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| NOGRR Number | [265](https://www.ercot.com/mktrules/issues/NOGRR265) | NOGRR Title | Related to NPRR1238, Registration of Loads with Curtailable Load Capabilities |

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| **Date Posted** | June 5, 2025 |
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| **Submitter’s Information** |
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| **Phone Number** | 512-964-0415 |
| **Market Segment** | Consumer |

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| **Comments** |

Texas Industrial Energy Consumers (TIEC) files these comments with comments to Nodal Protocol Revision Request (NPRR) 1238, Registration of Loads with Curtailable Load Capabilities, to clarify that the registration of loads with curtailable load capabilities must be voluntary. Utilities cannot require loads to register as Voluntary Early Curtailment Loads (VECLs) as a condition of interconnection. Public Utility Regulatory Act (PURA) § 37.151, Provision of Service, requires utilities to extend service to any customer in their service area, and to provide “continuous and adequate” service to their area.[[1]](#footnote-1) Read together, this means customers are entitled to firm delivery service unless they agree otherwise. While utilities may delay interconnections if transmission facilities need to be built or if adjustments need to be made to meet reliability requirements, a utility does not have a unilateral right to require a customer to commit to being controllable as a condition of interconnection. Customers must voluntarily agree to register as curtailable in exchange for facilitating a faster interconnection. Without making this designation voluntary, this revision request would need to be revised to define what qualifies as being “curtailable” and in what scenarios registration could legally be required to facilitate interconnection. In particular, industrial customers that require firm service cannot be required to sign up as “curtailable” as a condition of interconnection, but that is how the current draft of the revision request could be interpreted. As such, these comments reverse references from “Early Curtailable Load” back to “Voluntary Early Curtailable Load.”

Further, the concept of mandatory curtailable load registration and pre-Energy Emergency Alert (EEA) deployment is at odds with the decisions that the Legislature recently made through Senate Bill (SB) 6. That legislation makes clear that loads with backup generation may be asked to curtail during EEA2, and all other loads are only subject to curtailment during firm load shed or on a voluntary basis (for example through a compensated demand response service, or a VECL designation). This is another reason this revision request needs to be strictly voluntary.

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| **Revised Cover Page Language** |

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| **NOGRR Number** | [**265**](https://www.ercot.com/mktrules/issues/NOGRR265) | **NOGRR Title** | **Related to NPRR1238, Voluntary Registration of Loads with Curtailable Load Capabilities** |
| **Nodal Operating Guide Sections Requiring Revision**  | 4.5.3.1, General Procedures Prior to EEA Operations4.5.3.4, Qualified Scheduling Entity VECL Load Shed Obligation (new)4.5.3.4, Load Shed Obligation |
| Proposed Effective Date | Upon system implementation of Nodal Protocol Revision Request (NPRR) 1238, Voluntary Registration of Loads with Curtailable Load Capabilities |
| **Revision Description** | This Nodal Operating Guide Revision Request (NOGRR) establishes a process by which Loads may operate as a Voluntary Early Curtailment Load (VECL) so that they can be accounted for differently in Load shed tables than other Loads.  |

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| **Market Rules Notes** |

Please note the baseline Nodal Operating Guide language in the following Section(s) has been updated to reflect the incorporation of the following NOGRR(s) into the Nodal Operating Guide:

* NOGRR262, Provisions for Operator-Controlled Manual Load Shed (incorporated 12/1/24)
	+ Section 4.5.3.4
* NOGRR274, Conform Nodal Operating Guide to Revisions Implemented for NPRR1217, Remove Verbal Dispatch Instruction (VDI) Requirement for Deployment and Recall of Load Resources and Emergency Response Service (ERS) Resources (incorporated 6/1/26)
	+ Section 4.5.3.1

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| Revised Proposed Guide Language  |

**4.5.3.1 General Procedures Prior to EEA Operations**

(1) Prior to declaring EEA Level 1 detailed in Section 4.5.3.3, EEA Levels, ERCOT may perform the following operations consistent with Good Utility Practice:

(a) Provide Dispatch Instructions to QSEs for specific Resources to operate at an Emergency Base Point to maximize Resource deployment so as to increase Responsive Reserve (RRS) levels on other Resources;

(b) Commit specific available Resources as necessary that can respond in the timeframe of the emergency. Such commitments will be settled using the Hourly Reliability Unit Commitment (HRUC) process;

(c) Start Reliability Must-Run (RMR) Units available in the time frame of the emergency. RMR Units should be loaded to full capability;

(d) Utilize available Resources providing RRS, ERCOT Contingency Reserve Service (ECRS), and Non-Spinning Reserve (Non-Spin) services as required;

(e) Instruct TSPs and Distribution Service Providers (DSPs) or their agents to reduce Customer Load by using existing, in-service distribution voltage reduction measures if ERCOT determines that the implementation of these measures could help avoid entering into EEA and ERCOT does not expect to need to use these measures to reduce the amount of Load shedding that may be needed in EEA Level 3. A TSP, DSP, or their agent shall implement these instructions if distribution voltage reduction measures are available and already installed. If the TSP, DSP, or their agent determines in their sole discretion that the distribution voltage reduction would adversely affect reliability, the voltage reduction measure may be reduced, modified, or otherwise changed from maximum performance to a level of exercise that has no negative impact to reliability; and

(f) ERCOT shall use the PRC and system frequency to determine the appropriate Emergency Notice and EEA levels.

(2) When PRC falls below 3,100 MW and is not projected to be recovered above 3,100 MW within 30 minutes following the deployment of Non-Spin, ERCOT may deploy some or all Voluntary Early Curtailment Loads (VECLs) via an Extensible Markup Language (XML) message, as described in Section 4.5.3.4, Qualified Scheduling Entity VECL Load Reduction Obligation, in order to maintain or restore 3,100 MW of PRC to the greatest extent possible.

(a) VECLs may be deployed and at any time in a Settlement Interval at the discretion of ERCOT operators.

(b) Upon deployment of any amount of VECLs, ERCOT shall notify all Market Participants via an operations message that such deployment has been made and shall specify the MW capacity of VECL deployed.

(c) ERCOT shall notify QSEs of the VECLs deployment via an XML message. The deployment time within the ERCOT XML deployment message shall initiate the VECL deployment and the VECL ramp period.

(d) Upon receipt of a VECL deployment, QSEs shall instruct their VECLs to reduce consumption without delay in a time period not to exceed 30 minutes from the start of the VECL ramp period, and the deployed VECLs shall comply with those instructions.

(e) If a VECL fails to comply with a deployment instruction, ERCOT may instruct the applicable TO to remotely disconnect the VECL. If a VECL that fails to comply with a deployment instruction is co-located with an ERCOT Resource, ERCOT may instruct the Customer’s QSE to remotely disconnect the VECL, in which case the QSE shall ensure that the VECL is promptly disconnected from the ERCOT System.

(f) ERCOT shall notify QSEs of the termination of the VECLs deployment via an XML recall message. The ERCOT XML recall message shall represent the official notice of the VECLs recall.

(i) If ERCOT has instructed the interconnecting TO to disconnect a VECL for failure to comply with a deployment instruction, ERCOT will also notify the TO once the VECL deployment has been terminated, so that the VECL can be reconnected.

(g) Upon termination of the VECLs deployment, any VECL shall not increase consumption at a rate exceeding 20% per minute.

(h) Upon termination of VECLs deployment, ERCOT shall notify all Market Participants via an operations message that such deployment has been terminated and shall specify the MW capacity of VECLs recalled.

(3) When PRC falls below 3,000 MW and is not projected to be recovered above 3,000 MW within 30 minutes following the deployment of Non-Spin and all VECL, ERCOT may deploy available contracted Emergency Response Service (ERS)-10 and ERS-30 via an XML message. The deployment time within the ERCOT XML deployment message shall represent the beginning of the ERS-10 and ERS-30 ramp periods.

(a) ERS-10 and ERS-30 may be deployed at any time in a Settlement Interval. ERS-10 and ERS-30 may be deployed either simultaneously or separately, and in any order, at the discretion of ERCOT operators.

(b) Upon deployment, QSEs shall instruct their ERS Resources in ERS-10 and ERS-30 to perform at contracted levels consistent with the criteria described in Section 8.1.3.1.4, Event Performance Criteria for Emergency Response Service Resources, until either ERCOT recalls the ERS-10 and ERS-30 deployment or the ERS-10 and ERS-30 Resources have reached their maximum deployment time.

(c) ERCOT shall notify QSEs of the recall of ERS-10 and ERS-30 via an XML message. The recall time within the ERCOT XML message shall represent the official notice of ERS-10 and ERS-30 recall.

(d) Upon recall, an ERS Resource shall return to a condition such that it is capable of meeting its ERS performance requirements as soon as practical, but no later than ten hours following the recall.

(4) When a Watch is issued for PRC below 3,000 MW and ERCOT expects system conditions to deteriorate to the extent that an EEA Level 2 or 3 may be experienced, ERCOT shall evaluate constraints active in SCED and determine which constraints have the potential to limit generation output.

(a) Upon identification of such constraints, ERCOT shall coordinate with the TSPs that own or operate the overloaded Transmission Facilities associated with those constraints, as well as the Resource Entities whose generation output may be limited, to determine whether:

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| ***[NOGRR177: Replace paragraph (a) above with the following upon system implementation of NPRR857:]***(a) Upon identification of such constraints, ERCOT shall coordinate with the TSPs and DCTOs that own or operate the overloaded Transmission Facilities associated with those constraints, as well as the Resource Entities whose generation output may be limited, to determine whether: |

(i) A 15-Minute Rating is available that allows for additional transmission capacity for use in congestion management, if an EEA Level 2 or 3 is declared, and post-contingency actions can be taken within 15 minutes to return the flow to within the Emergency Rating. Such actions may include, but are not limited to, reducing the generation that increased output as a result of enforcing the 15-Minute Rating rather than the Emergency Rating;

(ii) Post-contingency loading of the Transmission Facilities is expected to be at or below Normal Rating within two hours; or

(iii) Additional transmission capacity could allow for additional output from a limited Generation Resource by taking one of the following actions:

1. Restoring Transmission Elements that are out of service;
2. Reconfiguring the transmission system; or
3. Making adjustments to phase angle regulator tap positions.

If ERCOT determines that one of the above-mentioned actions allows for additional output from a limited Generation Resource, ERCOT may instruct the TSPs to take the action(s) during the Advisory to allow for additional output from the limited Generation Resource.

(b) ERCOT shall also coordinate with TSPs who own and operate the Transmission Facilities associated with the double-circuit contingencies for the constraints identified above to determine whether the double-circuit failures are at a high risk of occurring due to system conditions, which may include: severe weather conditions forecasted by ERCOT in the vicinity of the double-circuit, weather conditions that indicate a high risk of insulator flashover on the double-circuit, repeated Forced Outages of the individual circuits that are part of the double-circuit in the preceding 48 hours, or fire in progress in the right of way of the double-circuit.

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| ***[NOGRR177: Replace paragraph (b) above with the following upon system implementation of NPRR857:]***(b) ERCOT shall also coordinate with TSPs and DCTOs who own and operate the Transmission Facilities associated with the double-circuit contingencies for the constraints identified above to determine whether the double-circuit failures are at a high risk of occurring due to system conditions, which may include: severe weather conditions forecasted by ERCOT in the vicinity of the double-circuit, weather conditions that indicate a high risk of insulator flashover on the double-circuit, repeated Forced Outages of the individual circuits that are part of the double-circuit in the preceding 48 hours, or fire in progress in the right of way of the double-circuit.  |

(c) The actions detailed in this Section shall be supplemental to the development and maintenance of Constraint Management Plans (CMPs) as otherwise directed by the Protocols or Operating Guides.

(5) When a Watch is issued for PRC below 3,000 MW, QSEs shall suspend any ongoing ERCOT-required Resource performance testing.

**4.5.3.4 Qualified Scheduling Entity VECL Load Reduction Obligation**

(1) Each QSE representing one or more VECLs shall take and direct actions to ensure that ERCOT VECL deployment instructions are effectuated. Each VECL shall comply with any reasonable instruction given by its QSE to effectuate Load reduction obligations.

**4.5.3.5 Transmission Operator Load Shed Obligation**

(1) Each TO shall take and direct actions to ensure that ERCOT Load shed instructions are effectuated. Each DSP shall comply with any reasonable instruction given by its TO to effectuate Load shed obligations.

(2) Load shed obligation percentages for ERCOT EEA Level 3 Load shedding will be determined by calculating each TO’s Load as a percentage of the ERCOT System summer and winter peak 15 minute Demand interval. For the purposes of this paragraph, TO Load, with the exception of VECLs, will be the amount of Load being served by all of the Transmission and/or Distribution Service Providers (TDSPs) that the TO represents. The calculations for summer and winter Load shed obligation percentage are as follows:

(a) The calculated Load shed obligation percentage for the summer Season will be based on the single highest coincident ERCOT System peak 15 minute Demand interval for the summer months of June through September as reflected in the 4-Coincident Peak (4-CP) data submitted by ERCOT to the Public Utility Commission of Texas (PUCT) for that year. Anticipated revisions to the summer Load shed table shall be posted as described in paragraph (4) below no later than March 31st of each year based on data from the previous calendar year.

(b) The calculated Load shed obligation percentage for the winter Season will be based on the single highest coincident ERCOT System peak 15 minute Demand interval for the winter months of December through February as reflected at the time that ERCOT extracts the Load data for the winter Season from its settlement system. Anticipated revisions to the winter Load shed table shall be posted as described in paragraph (4) below no later than August 31st of each year based on data from December of the previous calendar year and January through February of the current year.

(3) The summer Load shed table will be used during a hot weather Load shed event and the winter Load shed table will be used during a cold weather Load shed event. ERCOT will determine, in its sole discretion, whether an EEA event will be treated as a hot weather or cold weather Load shed event based on the weather conditions. The summer and winter Load shed time periods will be published annually with the updated obligation tables in paragraph (2) above. In addition, if ERCOT issues an Operating Condition Notice (OCN), it will notify Market Participants which Load shed table would apply to the potential Load shed event. When ERCOT directs TOs to shed Load, it will specify which Load shed table applies for the Load shed event. ERCOT shall use the same Load shed table for the duration of a Load shed event.

(4) ERCOT shall maintain the Seasonal Load shed tables reflecting each TO’s total Load shed obligation on the ERCOT website. The Load shed obligation percentages will be reviewed by ERCOT and revised as described above, or as otherwise deemed appropriate by ERCOT, to reflect any new or changed TO designation by a DSP or changes in the VECL registration. Adjustments to the Load shed obligations due to changes in TO designations will be performed using the same Load data upon which the table was based. Following ERCOT’s Seasonal peak Load reviews or ERCOT’s receipt of any new or changed TO designation, ERCOT shall post any anticipated revisions to the Load shed tables on the ERCOT website. ERCOT shall issue a Market Notice announcing the posting of the revisions at least ten days prior to the effective date of the revisions or as soon as practicable if ERCOT determines there is a need to correct the Market Notice less than ten days before the effective date.

(5) Each TO shall coordinate with each TDSP it represents to:

(a) Minimize overlap of circuits that are designated for manual firm Load shed with circuits that serve designated critical loads; and

(b) Minimize overlap of circuits that are designated for manual firm Load shed with circuits that are utilized for UFLS and Under-Voltage Load Shed (UVLS).

1. PURA § 37.151 (“Except as provided by Sections 37.152 and 37.153, a certificate holder shall: (1) serve every consumer in the utility's certificated area; and (2) provide continuous and adequate service in that area.”). [↑](#footnote-ref-1)