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| NPRR Number | [1321](https://www.ercot.com/mktrules/issues/NPRR1321) | NPRR Title | Batch Alpha |

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| Date | February 8, 2026 |

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| Submitter’s Information | |
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| Phone Number |  |
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| Market Segment | Not applicable |

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| Comments |

Schaper Energy Consulting LLC (“Respondent”) provides strategic and technical advisory services exclusively to Large Load developers operating within Texas and the ERCOT market. Our clients represent a significant share of the state’s new industrial and data center load growth and are active participants in ERCOT’s Large Load Interconnection Study (LLIS) process under Planning Guide Section 9, Large Load Additions at New or Modification of Existing Load Interconnection(s). Respondent appreciates the opportunity to comment on Nodal Protocol Revision Request (NPRR) 1321, filed February 3, 2026, by the Joint Sponsors Lancium LLC, Vistra Operations Company LLC, and Skybox Datacenters LLC. We recognize the Joint Sponsors’ stated interest in advancing a batch-based study methodology and acknowledge that the transition from serialized to batch-based interconnection processes is a matter of significant industry interest.

Based on our detailed review of the proposed revision request, we believe NPRR1321 as drafted contains significant structural and procedural deficiencies that, if adopted, would create inequitable outcomes for a broad class of large load customers, undermine the integrity of the existing interconnection framework, and do little to advance ERCOT’s stated objectives of overhauling the large load interconnection process.

In proposed paragraph (3)(c)(ii) of Section 3.11.4.12, the Revision Request permits Batch Alpha eligibility through “*an exclusivity agreement, or other commercially binding documentation acceptable to parties with an existing Generation Resource on or before December 1, 2025*.”

This provision imposes a retroactive cutoff date of December 1, 2025, more than two months prior to the filing of this NPRR on February 3, 2026. The practical consequence is that only those customers who had already entered into commercial arrangements with Generation Resource owners before this proposal was made public are eligible to benefit from it**.** Load customers who were unaware of these provisions, who were pursuing interconnection through the established Section 9 process, or who simply did not have occasion to structure their development strategy around co-location with generation were afforded no opportunity to satisfy this criterion. This retroactive eligibility construct raises fundamental fairness concerns. Protocol revisions should not reward Market Participants for anticipating the content of not-yet-filed rule changes while simultaneously penalizing those who relied on the existing regulatory framework in making their investment decisions.

If a commercially binding arrangement with a Generation Resource owner is to serve as legitimate eligibility criterion for batch study inclusion, the only appropriate cutoff date would be the **effective date of the approved revision request**, such that all Market Participants have equal opportunity to satisfy the criterion on a prospective, non-discriminatory basis.

Beyond the specific provisions discussed above, Respondent is concerned that NPRR1321 may improperly preempt the broader effort to reform ERCOT’s batch study methodology. The revision request itself acknowledges that it is intended as a “temporary measure” to be “sunsetted and eventually replaced following Batch Alpha,” and that it is being offered as an alternative to ERCOT’s own “Batch Zero” process. In effect, NPRR1321 seeks to introduce a **narrowly defined class of load customer eligible for immediate interconnection** priority predicated largely on co-location with Generation Resources and pre-existing commercial arrangements without providing sufficient evidence that this framework can be implemented fairly across the full spectrum of Large Load customers in the ERCOT queue.

The proposed eligibility criteria are not grounded in transmission planning readiness, grid reliability considerations, or the financial commitment thresholds contemplated to under Project No. 58481. Rather, they appear designed to advance a specific subset of projects through the queue ahead of others. The Joint Sponsors’ stated justification that this NPRR would “firm up approvals and enabling transmission for projects that have already met the requirements of critical checkpoints resulting in significant financial commitments” presupposes that the checkpoints embodied in this proposal are the appropriate benchmarks for batch study eligibility, despite bearing little resemblance to the criterion put forth by ERCOT in their February 3, 2026 Large Load Batch Study Workshop. Respondent respectfully submits that this is a determination that should be made through the comprehensive stakeholder process currently underway, not resolved in advance through a narrowly drawn NPRR that may foreclose options for more equitable approaches.

Respondent urges stakeholders and ERCOT to carefully consider the implications of NPRR1321 before advancing it through the approval process. While the desire to move expeditiously on batch study reform is widely shared, speed should not come at the expense of fairness, transparency, or the interests of the broad community of Large Load developers who have invested substantial capital in reliance on the existing interconnection framework.

We respectfully request that the concerns raised herein be given full consideration and that any batch study framework adopted by ERCOT be designed to provide equitable treatment for all qualifying Large Load customers, without preferential carve-outs for business models or retroactive eligibility criteria that advantage those with advance knowledge of proposed rule changes.

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| Revised Cover Page Language |

None

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| Revised Proposed Protocol Language |

None