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CONFIDENTIAL-FILING MEMORANDUM

TO: Presiding Officer
FROM: 225DD 8ME LLC
DATE: June 10, 2026
RE: PUC Docket No. 59868 – *Complaint of 225DD 8ME Against the Electric Reliability Council of Texas, Inc.*

225DD 8ME LLC (“Galloway”) designates the following exhibits to its Complaint as confidential: Confidential Exhibits B, C, D, E, G, H, J, L, and M.

This filing consists of: references to designated confidential material. Galloway’s Complaint consists of confidential material.

The following pages contain redactions for the reasons stated below:

- Galloway’s Confidential Exhibit B: bates labeled pages: 54-78
 - Confidential Exhibit B contains nonpublic, sensitive generation resource specific information that is classified as “Protected Information” under ERCOT Protocols § 1.3.1.1, and ERCOT Operating Guide § 2.12.1, and protected by Tex. Gov’t. Code §§ 552.101; 552.110 and 552.133.
- Galloway’s Confidential Exhibit C: bates labeled pages: 79-124
 - Confidential Exhibit C contains nonpublic, sensitive generation resource specific information and commercially sensitive information in a third-party report that has been designated as confidential by the third-party regarding Galloway’s capabilities that is classified as “Protected Information” under ERCOT Protocols § 1.3.1.1, and ERCOT Operating Guide § 2.12.1, and protected by Tex. Gov’t. Code §§ 552.101; 552.110 and 552.133.
- Galloway’s Confidential Exhibit D: bates labeled pages: 125-127
 - Confidential Exhibit D contains nonpublic, sensitive generation resource specific information that is classified as “Protected Information” under ERCOT Protocols §

1.3.1.1, and ERCOT Operating Guide § 2.12.1, and protected by Tex. Gov't. Code §§ 552.101; 552.110 and 552.133.

- Galloway's Confidential Exhibit E: bates labeled pages: 128-130
 - Confidential Exhibit E contains nonpublic, sensitive generation resource specific information that is classified as "Protected Information" under ERCOT Protocols § 1.3.1.1, and ERCOT Operating Guide § 2.12.1, and protected by Tex. Gov't. Code §§ 552.101; 552.110 and 552.133.
- Galloway's Confidential Exhibit G: bates labeled pages: 134-136
 - Confidential Exhibit G contains nonpublic, sensitive generation resource specific information that is classified as "Protected Information" under ERCOT Protocols § 1.3.1.1, and ERCOT Operating Guide § 2.12.1, and protected by Tex. Gov't. Code §§ 552.101; 552.110 and 552.133.
- Galloway's Confidential Exhibit H: bates labeled pages: 137-142
 - Confidential Exhibit H contains nonpublic, sensitive generation resource specific information that is classified as "Protected Information" under ERCOT Protocols § 1.3.1.1, and ERCOT Operating Guide § 2.12.1, and protected by Tex. Gov't. Code §§ 552.101; 552.110 and 552.133.
- Galloway's Confidential Exhibit I: bates labeled pages: 143-144
 - Confidential Exhibit I contains nonpublic, sensitive generation resource specific information that is classified as "Protected Information" under ERCOT Protocols § 1.3.1.1, and ERCOT Operating Guide § 2.12.1, and protected by Tex. Gov't. Code §§ 552.101; 552.110 and 552.133.
- Galloway's Confidential Exhibit J: bates labeled pages: 145-148
 - Confidential Exhibit J contains nonpublic, sensitive generation resource specific information that is classified as "Protected Information" under ERCOT Protocols § 1.3.1.1, and ERCOT Operating Guide § 2.12.1, and protected by Tex. Gov't. Code §§ 552.101; 552.110 and 552.133.
- Galloway's Confidential Exhibit K: bates labeled pages: 149-150
 - Confidential Exhibit K contains nonpublic, sensitive generation resource specific information that is classified as "Protected Information" under ERCOT Protocols §

1.3.1.1, and ERCOT Operating Guide § 2.12.1, and protected by Tex. Gov't. Code §§ 552.101; 552.110 and 552.133.

- Galloway's Confidential Exhibit L: bates labeled pages: 151-188
 - Confidential Exhibit L contains nonpublic, sensitive generation resource specific information that is classified as "Protected Information" under ERCOT Protocols § 1.3.1.1, and ERCOT Operating Guide § 2.12.1, and protected by Tex. Gov't. Code §§ 552.101; 552.110 and 552.133.
- Galloway's Confidential Exhibit M: bates labeled pages: 189-194
 - Confidential Exhibit M contains nonpublic, sensitive generation resource specific information that is classified as "Protected Information" under ERCOT Protocols § 1.3.1.1, and ERCOT Operating Guide § 2.12.1, and protected by Tex. Gov't. Code §§ 552.101; 552.110 and 552.133.

Select the applicable box below:


Protected Material

Highly Sensitive Protected Material

Not Applicable (A protective order has not been issued in the proceeding)

Galloway acknowledges that the confidential filing status of these documents may be subject to challenge by another party in the proceeding or by the presiding officer.

Respectfully submitted on June 10, 2026,



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ATTORNEYS FOR 225DD 8ME LLC

DOCKET NO. 59868

COMPLAINT OF 225DD 8ME LLC § PUBLIC UTILITY COMMISSION
AGAINST THE ELECTRIC §
RELIABILITY COUNCIL OF TEXAS, § OF TEXAS
INC. §
§

**COMPLAINT OF 225DD 8ME LLC REGARDING ERCOT'S REJECTION OF
EXTENSION REQUEST**

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DOCKET NO. _____

COMPLAINT OF 225DD 8ME LLC AGAINST THE ELECTRIC RELIABILITY COUNCIL OF TEXAS, INC.	§ § § § §	PUBLIC UTILITY COMMISSION OF TEXAS
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**COMPLAINT OF 225DD 8ME LLC REGARDING ERCOT'S REJECTION OF
EXTENSION REQUEST**

TO THE HONORABLE CHAIR AND COMMISSIONERS OF THE PUBLIC UTILITY
COMMISSION OF TEXAS:

I. EXECUTIVE SUMMARY

In accordance with 16 Texas Administrative Code (“TAC”) § 22.251, 225DD 8ME LLC (“Galloway Solar” or “Complainant”) presents this complaint against the Electric Reliability Council of Texas, Inc. (“ERCOT”) (the “Complaint”) for rejecting Galloway Solar’s extension request for Nodal Operating Guide (“NOG”) § 2.6.2.1(1) without conducting the threshold reliability risk assessment required by 16 TAC § 25.517(d), and without evaluating whether a feasible, acceptable solution will become available within a reasonable time as required by § 25.517(d)(3)(C).¹ This Complaint is filed pursuant to § 22.251(r), which governs complaints by a resource entity involving ERCOT’s decision on an exemption or extension request under § 25.517.²

On May 6, 2026, ERCOT issued an Extension Request Rejection Notice to Galloway Solar, stating that ERCOT was “unable to consider the extension” for Galloway Solar’s Photovoltaic Generation Resource (“PVGR”), which is also an Inverter-Based Resource (“IBR”)—

¹ See 16 Tex. Admin. Code (TAC) §§ 25.517(d)(1), (d)(3)(C); 22.251(r).

² See 16 TAC § 22.251(r)(1)–(5).

GALLOWAY_SOLAR1—because Galloway Solar had not submitted the “required correct model” as of May 1, 2026, as required by NOG § 2.12.1(3)(c).³

ERCOT’s rejection was based principally on the administrative status of a model submission, rather than on any determination that granting the extension would create a threshold reliability risk to the ERCOT system. To Complainant’s knowledge, ERCOT did not assess steady-state or dynamic stability, resource performance under reasonable operating conditions, critical contingencies, or other factors enumerated in § 25.517(d)(1) before denying the extension.⁴ ERCOT’s decision did not include a written reliability-risk rationale, nor did it reflect the cooperative review process contemplated by NOG § 2.12.1.3.⁵

This case turns on an important distinction between current capability, formal maximization, and ERCOT-accepted modeling. Based on the information presently available to Galloway Solar, the IBR likely satisfies the applicable May 1, 2024 FRT requirements and/or the temporary FRT requirements applicable to pre-August 1, 2024 SGIA resources under NOG § 2.6.2.1.1. But Galloway Solar has not yet completed the full NOGRR245 maximization and model-acceptance sequence necessary for ERCOT to formally recognize the IBR’s post-maximization capability under NOG §§ 2.6.2.1(6), 2.11, and 2.12.1. That distinction is the central issue in this Complaint and the reason conditioned extension relief is appropriate.

Galloway Solar is not seeking relief because it has abandoned compliance or because the equipment lacks a feasible compliance pathway. It seeks relief because the remaining compliance steps require a coordinated technical sequence: evaluating OEM-recommended settings changes, determining whether those changes affect the electrical performance of the facility, updating and

³ Ex. A (ERCOT Extension Request Rejection Notice).

⁴ See 16 TAC § 25.517(d)(1).

⁵ See NOG § 2.12.1.3.

validating any required dynamic model, and completing any necessary Transmission Service Provider (“TSP”) and ERCOT review before the revised settings can be placed into service and reflected in an ERCOT-accepted model. In that posture, the absence of a final accepted post-modification model is not a basis for outright rejection without a substantive reliability-risk assessment; it is the precise type of implementation and verification issue that should be addressed through a conditioned extension, milestones, and continued ERCOT oversight.

Based on the OEM’s analysis to date, GALLOWAY_SOLAR1 is expected to satisfy the applicable FRT requirements under NOG §§ 2.6.2.1(1)–(5) through available settings changes, subject to ERCOT’s review and acceptance of the corresponding model and supporting documentation and completion of implementation. The present record therefore does not establish a known permanent technical limitation that prevents compliance. Rather, the remaining issues concern the sequencing and implementation of the identified changes, verification of the resulting performance, and completion of ERCOT’s model-review and acceptance process.

Galloway Solar expects that GALLOWAY_SOLAR1 can satisfy applicable FRT requirements under NOG §§ 2.6.2.1(1)–(5) through available settings changes.⁶ Accordingly, the present record does not indicate a known technical limitation that would prevent compliance. Rather, the remaining issues concern the sequencing and implementation of those settings changes, verification of the resulting performance, and ERCOT’s review and acceptance of the updated model and supporting documentation

The practical problem is that ERCOT treated the absence of a final accepted model as a threshold bar to considering the extension request, even though the model itself depends on the technical implementation and review process that Galloway Solar was actively pursuing. Galloway

⁶ See NOG §§ 2.6.2.1(1)–(5).

Solar had to evaluate the recommended settings changes, determine whether those changes affected the electrical performance of the facility, update and validate the dynamic model if required, and complete any necessary TSP and ERCOT review before claiming that the IBR had been formally maximized. That process is materially different from inaction or refusal to comply.⁷

Accordingly, although Galloway Solar has not yet fully maximized GALLOWAY_SOLAR1's ride-through capability through implemented and ERCOT-validated settings changes, Galloway Solar and the OEM have identified a feasible compliance path and is actively pursuing maximization in a technically responsible manner. The IBR's current status reflects the practical sequence required to implement ride-through settings changes safely and consistently with ERCOT's modeling and review requirements. It does not reflect a lack of diligence, a lack of good-faith compliance efforts, or an inability of Galloway Solar to meet the applicable FRT standards.

Because ERCOT's rejection was based on the administrative status of model submissions rather than a substantive reliability determination, ERCOT did not evaluate on the merits GALLOWAY_SOLAR1's current ride-through capability, its OEM-confirmed pathway to formal maximization, or Galloway Solar's ongoing efforts to complete the necessary engineering, modeling, and approval steps. Without the requested extension, Galloway Solar remains exposed to compliance consequences notwithstanding its likely FRT capability, active compliance efforts, feasible technical solution, and ongoing work to complete ERCOT's modeling requirements.

Therefore, because ERCOT's rejection was procedurally deficient, substantively unsupported by any threshold reliability-risk analysis, and disproportionate given Galloway

⁷ This timeline was further constrained by Planning Guide Revision Request 109 ("PGRR109") which requires the TSP and ERCOT review and approve IBR settings modifications before implementation, creating a sequencing issue that the extension mechanism is designed to address.

Solar's demonstrated compliance efforts and OEM-confirmed pathway to formal FRT maximization, the Commission should grant this Complaint, reverse ERCOT's May 6, 2026 rejection, and grant the requested extension for NOG § 2.6.2.1(1), subject to reasonable conditions.⁸ Those conditions may include model and Model Quality Test ("MQT") completion milestones, periodic status reports, continued compliance with the applicable interim ride-through requirements, ERCOT review of settings changes requiring approval, and documentation of any limitation that cannot be accurately modeled. In the alternative, the Commission should remand the matter to ERCOT with instructions to evaluate Galloway Solar's extension request on the merits, including a proper threshold reliability-risk assessment under 16 TAC § 25.517(d).⁹

II. IDENTIFICATION OF THE PARTIES

In accordance with 16 TAC § 22.251(d)(1)(A), Galloway Solar provides the following complete list of all complainants and the entities against whom Galloway Solar seeks relief and the contact information of the parties' counsel or other representatives.

The name and address of the Complainant, Galloway Solar LLC, and its authorized representatives are as follows:

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The entity against whom Complainant seeks relief, ERCOT, and its representatives are as follows:

⁸ See 16 TAC § 22.251(r)(5).

⁹ See 16 TAC § 25.517(d).

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III. STATEMENT OF THE CASE

A. UNDERLYING OR RELATED PROCEEDINGS

No prior or pending related proceedings exist before the Commission involving this extension request. This Complaint is the first formal proceeding concerning ERCOT's May 6, 2026 rejection of Galloway Solar's extension request for NOG § 2.6.2.1(1).

B. AFFECTED ENTITIES

The affected entities are 225DD 8ME LLC (Galloway Solar), as the Resource Entity for GALLOWAY_SOLAR1, and ERCOT, as the entity whose conduct is challenged.

C. CONDUCT FROM WHICH GALLOWAY SOLAR SEEKS RELIEF

Complainant challenges ERCOT's May 6, 2026 Extension Request Rejection Notice, in which ERCOT rejected Galloway Solar's extension request for NOG § 2.6.2.1(1) for GALLOWAY_SOLAR1 on the basis that Galloway Solar had not submitted the required correct model as of May 1, 2026, as required by NOG § 2.12.1(3)(c).¹⁰

¹⁰Ex. A (ERCOT Extension Request Rejection Notice).

D. APPLICABLE ERCOT PROCEDURES, PROTOCOLS, OPERATING GUIDES, OR LAW

The applicable ERCOT procedures, protocols, operating guides, and law include: NOG §§ 2.6.2.1 (FRT Requirements), 2.12.1 (Extensions), 2.12.1.3 (Extension Request Process); 16 TAC § 22.251 (Review of ERCOT Conduct); 16 TAC § 25.517 (Exemption Process for ERCOT Reliability Requirements); PURA §§ 39.151 (Essential Organizations) and 39.1515 (Wholesale Electric Market Monitor); and Planning Guide Revision Request 109 (PGRR109) (Dynamic Model Review Process Improvement for Inverter-Based Resource Modification).¹¹

E. USE OF APPLICABLE ERCOT PROCEDURES OR EXCEPTION

Complainant relies on the exception under 16 TAC § 22.251(r)(1). In a complaint by a Resource Entity involving ERCOT’s decision on the Resource Entity’s exemption or extension request under § 25.517, the Complainant is not required to comply with Applicable ERCOT Procedures before filing at the Commission. This proceeding is exempt from Alternative Dispute Resolution (“ADR”) or other informal dispute-resolution procedures otherwise available under § 22.251.¹²

ERCOT’s May 6, 2026 rejection notice confirms this direct-appeal pathway, stating that pursuant to NOG § 2.12.1.3(6), “the Requesting Entity may appeal this decision directly to the PUCT without the need to comply with the Alternative Dispute Resolution Procedure in Protocol Section 20.”¹³

F. REQUEST FOR SUSPENSION OF ERCOT CONDUCT

Complainant reserves the right to seek suspension of ERCOT’s rejection while this Complaint is pending, pursuant to 16 TAC § 22.251(j).¹⁴

¹¹ See NOG §§ 2.6.2.1, 2.12.1, 2.12.1.3; 16 TAC § 22.251; 16 TAC § 25.517; PURA §§ 39.151, 39.1515; PGRR109.

¹² See 16 TAC § 22.251(r)(1).

¹³ Ex. A; See NOG § 2.12.1.3(6).

¹⁴ See 16 TAC § 22.251(j).

G. JURISDICTION (16 TAC § 22.251(E)(2)(B)(VII))

The Commission has jurisdiction over this Complaint pursuant to PURA §§ 39.151 and 39.1515, 16 TAC §§ 22.251, and 25.517(f), which provides that a Resource Entity dissatisfied with ERCOT's determination on its exemption or extension request may file a complaint under § 22.251.¹⁵

IV. TIMELINESS OF FILING AND PRESERVATION OF APPEAL RIGHTS

A formal complaint under 16 TAC § 22.251 must be filed within 35 days of the ERCOT conduct that is the subject of the complaint.¹⁶ ERCOT issued the Extension Request Rejection Notice to Galloway Solar on May 6, 2026. Thirty-five calendar days from May 6, 2026 is June 10, 2026; therefore, this Complaint is timely filed.

NOG § 2.12.1.3(7) provides that a Requesting Entity that does not submit a “notice of appeal to ERCOT within the required time period” after receiving ERCOT’s rejection is deemed to have accepted the decision. However, the NOG does not define or specify the “required time period.”¹⁷ Complainant has provided a separate written notice of appeal to ERCOT preserving all rights and does not accept ERCOT’s decision. Complainant respectfully requests that the Commission confirm that the undefined “required time period” does not bar direct Commission review under 16 TAC § 22.251(r).

V. RESOURCE RESOURCE-SPECIFIC DISCLOSURES

A. EXEMPTION FROM APPLICABLE ERCOT PROCEDURES

Pursuant to § 22.251(r)(1), Galloway Solar is not required to comply with Applicable ERCOT Procedures prior to submitting this Complaint to the Commission.¹⁸

¹⁵ See PURA §§ 39.151, 39.1515; 16 TAC §§ 22.251, 25.517(f).

¹⁶ See 16 TAC § 22.251.

¹⁷ See NOG § 2.12.1.3(7).

¹⁸ See 16 TAC § 22.251(r)(1).

B. EXEMPTION FROM ADR AND INFORMAL DISPUTE RESOLUTION

Pursuant to § 22.251(r)(2), this proceeding is exempt from ADR or other informal dispute-resolution procedures otherwise available under § 22.251.¹⁹

C. Resource's History of Reliability-Related Violations

225DD 8ME LLC has no history of violations of reliability-related ERCOT protocols, operating guides, or other binding documents for GALLOWAY_SOLAR1.

VI. STATEMENT OF ISSUES PRESENTED FOR COMMISSION REVIEW

Galloway Solar presents the following issues for Commission review:

- (1) Whether Galloway Solar satisfied all conditions set forth in NOG § 2.12.1(3)(a)–(e), such that ERCOT was required to grant the requested extension under the mandatory “will grant” language of that provision, and whether ERCOT’s rejection exceeded the bounds of its “sole and reasonable discretion” as circumscribed by those enumerated criteria;
- (2) Whether ERCOT’s rejection of Galloway Solar’s extension request was procedurally deficient under NOG § 2.12.1.3, including whether ERCOT complied with its obligations to acknowledge submissions, provide ten business days to cure missing items, designate a senior decision-maker, and issue a written merits-based determination within a reasonable time;
- (3) Whether ERCOT conducted the threshold reliability risk assessment required by 16 TAC § 25.517(d)(1) before rejecting the extension request, including whether ERCOT evaluated the factors enumerated in that provision;
- (4) Whether ERCOT evaluated whether a feasible, acceptable solution will become available within a reasonable time, as required by 16 TAC § 25.517(d)(3)(C), before denying the extension;

¹⁹ See 16 TAC § 22.251(r)(2).

- (5) Whether ERCOT made reasonable efforts to work with Galloway Solar to identify mutually acceptable technical or operational options to mitigate threshold reliability risk, as required by 16 TAC § 25.517(d), before denying relief; and
- (6) Whether the Commission should directly grant the requested extension for NOG § 2.6.2.1(1), with conditions, pursuant to 16 TAC § 22.251(r)(5), given OEM confirmation that FRT compliance is achievable through settings changes and the absence of any demonstrated reliability risk.

VII. STATEMENT OF FACTS

225DD 8ME LLC is the Resource Entity for the IBR, identified in the ERCOT system as GALLOWAY_SOLAR1, which is a 250 MW solar photovoltaic generating facility located in Concho County, Texas. The facility consists of eighty-eight (88) Sungrow SG 3150U solar inverter power blocks, with a single point of interconnection ("POI") to the ERCOT transmission grid.²⁰

225DD 8ME LLC holds a Standard Generation Interconnection Agreement ("SGIA") with LCRA Transmission Services Corporation, originally executed on December 20, 2019, well before the August 1, 2024 threshold date.²¹ The IBR achieved Commercial Operation on or about October 27, 2021. Because the SGIA predates August 1, 2024, the IBR is subject to the NOGRR245 transition framework applicable to pre-August 1, 2024 resources. For FRT, the applicable interim baseline is not styled as "Legacy FRT"; rather, the NOG requires the IBR to comply with the FRT requirements in effect on May 1, 2024 until the IBR maximizes its FRT capability under NOG § 2.6.2.1(6), and also establishes temporary FRT requirements for pre-August 1, 2024 SGIA IBR's that have not yet implemented modifications to satisfy NOG § 2.6.2.1(1)–(5). Galloway Solar is therefore eligible to seek an extension under NOG § 2.12.1 for GALLOWAY_SOLAR1 as an IBR

²⁰ Confidential Ex. B (Galloway NOGRR245 Package Submission); Confidential Ex. D (Galloway IFRTCR Submission).

²¹ Confidential Ex. B (Galloway NOGRR245 Package Submission) (identifying SGIA execution date and resource configuration).

with an SGIA executed before August 1, 2024, provided the applicable submission and documentation requirements are satisfied.²²

The IBR's Sungrow SG 3150U inverters were placed in service in 2021 and were not designed to IEEE 2800-2022. The NERC PRC-029-1 compliance analysis conducted for the facility, dated March 4, 2026, further identifies its configuration and compliance posture under applicable NERC standards.²³

On September 26, 2024, the Commission approved NOGRR245, establishing IBR Ride-Through Requirements, effective October 1, 2024.²⁴ NOGRR245 required Resource Entities to submit extension requests and notices of intent to request exemptions, along with supporting documentation, by April 1, 2025. ERCOT subsequently extended that deadline to April 15, 2025 via Market Notice M-A010825-05.²⁵

After receiving initial submissions that ERCOT determined did not contain the minimum required information, ERCOT allowed Resource Entities to submit all required information by September 15, 2025 via Market Notice M-A010825-06.²⁶

Under NOG § 2.12.1(3), ERCOT, "in its sole and reasonable discretion, will grant an extension" if all of the following conditions exist: (a) circumstances beyond the Requesting Entity's reasonable control prevented it from meeting the deadline; (b) the extension request demonstrates the Requesting Entity's good-faith efforts to minimize the extension's duration; (c) the Requesting Entity has provided accurate models that include all limitations and describes all limitations the Requesting Entity cannot model and represents to ERCOT the model is accurate;

²² See NOG § 2.12.1.

²³ Confidential Ex. L (Certrec Compliance Analysis).

²⁴ See PUCT Order, Docket No. 56629 (Sept. 26, 2024) (approving NOGRR245, effective Oct. 1, 2024).

²⁵ See ERCOT Market Notice M-A010825-05 (extending deadline to April 15, 2025).

²⁶ See ERCOT Market Notice M-A010825-06 (establishing September 15, 2025 supplemental deadline).

(d) the date for the requested extension for a Resource with an SGIA before August 1, 2024 does not exceed December 31, 2027; and (e) the date for the requested extension for a Resource with an SGIA after August 1, 2024 does not exceed December 31, 2028.²⁷

On March 31, 2025, Galloway Solar submitted its initial NOGRR245 package, including the IFRTCR and an extension request for NOG § 2.6.2.1(1) through December 31, 2027.²⁸ The IFRTCR identifies NOG § 2.6.2.1(7) as the provision under which the Resource cannot comply with paragraphs (1) through (6) by December 31, 2025, and provides pre- and post-maximization FRT capability information.²⁹ ERCOT acknowledged receipt of the NOGRR245 package on March 31, 2025.³⁰

On August 25, 2025, ERCOT provided its initial assessment.³¹ On September 15, 2025, Galloway Solar submitted its supplemental NOGRR245 package, including an updated extension request.³² Galloway Solar submitted a model on October 9, 2025.

ERCOT's Dynamics group returned Galloway Solar's model seven days later, on October 16, 2025, for correction because: (i) it was missing the MQT and the PSCAD model; (ii) the models were not in the ERCOT template format; and (iii) Galloway Solar failed to provide a description of the updated parameters.

On November 25, 2025, ERCOT sent a Missing Information Request ("MIR") to Galloway Solar, pursuant to NOG § 2.12.1.3(1)(b), indicating the submission lacked information.³³ On

²⁷ NOG § 2.12.1(3)(a)–(e).

²⁸ Confidential Ex. B (Galloway NOGRR245 Package Submission); Ex. E (Galloway IVRTCR Submission).

²⁹ Confidential Ex. D (Galloway IFRTCR Submission); *see* NOG § 2.6.2.1(7) (requiring IBRs with pre-August 1, 2024 SGIAs that cannot comply with paragraphs (1) through (6) by December 31, 2025 to submit an IFRTCR and extension request pursuant to § 2.12.1).

³⁰ Ex. F (ERCOT Response – Receipt of NOGRR 245 Package).

³¹ Confidential Ex. G (ERCOT Initial Assessment).

³² Confidential Ex. C (Galloway NOGRR245 Package Submission – Second Extension Request).

³³ Confidential Ex. I (ERCOT Missing Information Request); *See also* NOG § 2.12.1.3(1)(b).

November 25, 2025, ERCOT also sent an FRT/VRT Status Report identifying the same deficiencies.³⁴ Galloway Solar responded to the MIR on December 9, 2025.³⁵

On December 30, 2025, ERCOT sent a letter stating it was "reviewing the information" under NOG § 2.12.1.3(1) and invoking the § 2.12.1(10) interim framework. ERCOT stated it would not refer the matter to the Reliability Monitor at that time.³⁶

On February 19, 2026, ERCOT sent a second MIR instructing Galloway Solar to submit, among other things, a model accurately representing expected performance reflecting all technical limitations.³⁷ ERCOT also provided an updated FRT/VRT Status Report.³⁸

On March 6, 2026, Galloway Solar responded to the second MIR, indicating that its model and MQT were in revision, with intended ERCOT acceptance by April 30, 2026. Although the written response contained a clerical error referencing "April 30, 2025," the context reasonably indicated communicated an anticipated April 2026 completion target.

On May 6, 2026, ERCOT issued its Extension Request Rejection Notice: "Because Galloway Solar LLC did not submit the information required in NOG § 2.12.1(3)(c), ERCOT is unable to consider the extension and hereby rejects the extension request."³⁹ Notably, ERCOT's language that it was "unable to consider" the extension—as distinguished from "unable to grant" the extension—demonstrates that ERCOT treated the model submission as a threshold completeness bar rather than conducting any substantive evaluation of the extension request on its merits.⁴⁰ ERCOT did not evaluate Galloway Solar's current ride-through capability, its OEM-

³⁴ Confidential Ex. II (ERCOT FRT/VRT Status Report and Galloway Responses).

³⁵ Confidential Ex. M (Galloway RFI Responses).

³⁶ Confidential Ex. J (ERCOT Letter).

³⁷ Confidential Ex. K (ERCOT Second Missing Information Request).

³⁸ Confidential Ex. J (ERCOT FRT/VRT Status Report and Galloway Responses).

³⁹ Ex. A (ERCOT Extension Request Rejection Notice).

⁴⁰ Compare Ex. A ("unable to consider") with NOG § 2.12.1.3 (contemplating substantive review and written rationale).

confirmed pathway to compliance, the absence of reliability risk, or the availability of conditioned relief.

Despite the rejection, ERCOT's notice confirmed that the NOG still requires Galloway Solar to ensure the IBR's FRT capability is set to the maximum level the equipment allows to meet or exceed the requirements of NOG §§ 2.6.2.1(1)–(5).⁴¹

Galloway Solar's circumstances are distinctive in that the IBR is expected to satisfy the applicable FRT requirements under NOG §§ 2.6.2.1(1)–(5) through settings changes alone.⁴² Although these settings changes are relatively minor, at the time of the extension request, it was unclear whether these settings changes would impact the electrical performance of the Galloway Solar facility and thereby necessitate an updated dynamic model and subsequent review and approvals with the TSP and ERCOT.

Pursuant to the process approved in PGRR109, prior to the implementation of any modification to settings or equipment associated with IBRs that affects electrical performance and requires dynamic model updates, the proposed modification must be reviewed by the interconnecting TSP and ERCOT. Galloway Solar's September 2025 extension request package expressly referenced this PGRR109 sequencing constraint as a basis for the requested extension timeline.⁴³

This requirement creates an unavoidable sequencing issue in the NOGRR245 compliance context. The NOGRR245 maximization obligation requires Galloway Solar to implement settings changes to maximize FRT capability. But PGRR109 requires ERCOT and the TSP to review and approve those same settings changes before they can be implemented. Galloway Solar cannot

⁴¹ Ex. A; *See* NOG § 2.6.2.1(1)–(5).

⁴² Confidential Ex. C (Galloway NOGRR245 Package Submission – Second Extension Request).

⁴³ *See* Planning Guide § 5.5(5)(a); PGRR109; Confidential Ex. C (Galloway NOGRR245 Package Submission – Second Extension Request).

simultaneously: (i) implement the OEM-recommended settings changes to demonstrate "maximized" capability in a model; and (ii) obtain the pre-implementation ERCOT/TSP approval that PGRR109 requires before implementing those changes.

The extension mechanism under NOG § 2.12.1 exists precisely to bridge this temporal gap.⁴⁴ Galloway Solar has been working with third-party engineering consultants to evaluate and understand the impact to the electrical performance of the facility, and upon completion of that evaluation, will implement the Sungrow settings changes in an expeditious manner, consistent with the PGRR109 review process. After implementation of the settings changes, the IBR's post-maximization capability is expected to satisfy all applicable FRT thresholds.

However, Galloway Solar appropriately distinguishes between "likely current capability" and "formal ERCOT-accepted maximization." The IBR has not yet completed the full maximization and model-acceptance sequence, and therefore does not claim that it has been formally maximized under NOG § 2.6.2.1(6).⁴⁵ The requested extension provides the necessary time to complete this process.

Under NOG § 2.12.1(10), until the exemption, extension, or appeal process is finalized, a resource that has timely submitted an extension request must meet the greater of its documented maximum ride-through capability or its performance requirements in effect on May 1, 2024, until there is a non-appealable PUCT final order. Galloway Solar continues to comply with these interim obligations.⁴⁶

Despite ERCOT's rejection, Galloway Solar continues to ensure the IBR's FRT capability is set to the maximum level the equipment currently allows to meet or exceed the requirements of

⁴⁴ See NOG § 2.12.1.

⁴⁵ See NOG § 2.6.2.1(6).

⁴⁶ See NOG § 2.12.1(10).

NOG §§ 2.6.2.1(1)–(5), consistent with Good Utility Practice and pending completion of the PGRR109 review process.

VIII. ARGUMENT

A. **ERCOT'S REJECTION WAS PROCEDURALLY DEFICIENT UNDER NOG § 2.12.1.3**

ERCOT rejected Galloway Solar's extension request solely on the basis that a corrected model had not been submitted by May 1, 2026.⁴⁷ ERCOT treated the model submission as a jurisdictional prerequisite to considering the extension, rather than evaluating the substance of the extension request on its merits. ERCOT's use of the phrase "unable to consider" the extension reflects this threshold-completeness approach—ERCOT did not conduct a substantive merits-based evaluation of the extension request.

However, the NOG and 16 TAC § 25.517 contemplate a substantive evaluation process; not a mechanical pass/fail on documentation. NOG § 2.12.1.3 outlines ERCOT's obligations to: (a) acknowledge submissions; (b) allow 10 business days to cure missing items; (c) designate a senior decision-maker within seven days of completeness; and (d) decide within a reasonable time with a written rationale.⁴⁸ ERCOT's rejection does not demonstrate compliance with these procedural obligations, nor does it provide the written rationale contemplated by the NOG for a merits-based determination.

The record reflects an active technical review process, not a refusal to provide information. Galloway Solar timely submitted its extension request, supplemented its submission, responded to ERCOT's requests for information, and informed ERCOT that the model and MQT were under

⁴⁷ Ex. A. (ERCOT Extension Rejection Notice).

⁴⁸ See NOG §§ 2.12.1.3(1)(a)–(c) and 2.12.1.3(2)–(5).

revision with an anticipated completion date. ERCOT's rejection does not show that ERCOT applied the cooperative review framework required by the NOG to these circumstances.

Moreover, ERCOT's December 30, 2025 letter invoked the § 2.12.1(10) interim framework and stated it was "reviewing the information" under § 2.12.1.3(1).⁴⁹ This letter acknowledged that the review process was ongoing, yet five months later ERCOT rejected the extension without completing the substantive review that its own prior correspondence confirmed was underway.

B. ERCOT FAILED TO CONDUCT A THRESHOLD RELIABILITY RISK ASSESSMENT AS REQUIRED BY 16 TAC § 25.517(D)

16 TAC § 25.517(d)(1) requires ERCOT to assess threshold reliability risk using enumerated factors—including steady-state and dynamic stability, resource performance under reasonable operating conditions, and critical contingencies—before denying an extension request. ERCOT's rejection notice contains no indication that any such assessment was performed.⁵⁰

16 TAC § 25.517(d)(3)(C) further requires ERCOT to evaluate whether a feasible, acceptable solution will become available within a reasonable time before denying an extension.⁵¹ Here, Sungrow has confirmed that the required settings changes are achievable, and Galloway Solar was actively working to evaluate the impact of those changes and develop the required model. ERCOT's rejection does not address whether this path to compliance—which the OEM has confirmed requires only settings modifications—represents a feasible solution available within a reasonable time.

Additionally, 16 TAC § 25.517(d) provides that before denying relief, ERCOT must make reasonable efforts to work with the IBR entity to identify mutually acceptable technical or

⁴⁹ See NOG §§ 2.12.1.3(1) and 2.12.1(10).

⁵⁰ See 16 TAC § 25.517(d)(1).

⁵¹ See 16 TAC § 25.517(d)(3)(C).

operational options to mitigate threshold reliability risk.⁵² The record does not demonstrate that ERCOT undertook this cooperative obligation before issuing the rejection.

C. THE MODEL DEFICIENCY DOES NOT ESTABLISH A RELIABILITY RISK

Unlike cases involving inherent hardware limitations that may never be resolved, Galloway Solar's situation involves an OEM-confirmed path to FRT compliance through settings changes. The pending model was not evidence of an intractable compliance failure—it was evidence of a Resource Entity diligently pursuing the engineering evaluation and regulatory process steps necessary to implement known-available modifications.

Sungrow's documentation confirms that the IBR "can meet NOG sections 2.6.2.1(1)-(5)" with settings changes.⁵³ Furthermore, the IFRTCR demonstrates post-maximization capability meeting or exceeding multiple FRT thresholds.⁵⁴ The principal remaining compliance question relates to implementing the Sungrow-recommended settings and completing the PGRR109 review process.

The unresolved model submission issue, in the context of an IBR with an OEM-confirmed compliance path and demonstrated current performance that likely satisfies the applicable May 1, 2024 FRT requirements and/or the temporary FRT requirements under NOG § 2.6.2.1.1, does not itself establish a threshold reliability risk that would justify denying an extension. To the contrary, it demonstrates the type of circumstance contemplated by 16 TAC § 25.517(d)(3)(C): a feasible solution that is acceptable to the Resource Entity and can become available within a reasonable time, subject to appropriate milestones, modeling requirements, and ERCOT oversight.⁵⁵

⁵² See 16 TAC § 25.517(d)(2).

⁵³ Confidential Ex. C (Galloway NOGRR 245 Package Submission – Second Extension Request).

⁵⁴ Confidential Ex. D (Galloway IFRTCR Submission).

⁵⁵ See 16 TAC § 25.517(d)(3)(C).

D. THE "MAXIMIZE" OBLIGATION IS A PROCESS DUTY BOUNDED BY GOOD UTILITY PRACTICE

NOG § 2.12.1 requires that a resource entity "maximize" the FRT capability of its equipment "to the greatest extent possible" and in accordance with "Good Utility Practice." This is a process obligation—not a guarantee of a specific outcome or timeline.⁵⁶ Galloway Solar has engaged with its OEM, identified the required modifications, begun evaluating their impact on electrical performance, and committed to implementing them expeditiously.

Good Utility Practice requires that settings changes to IBR equipment follow proper engineering evaluation processes, including the PGRR109 review by the TSP and ERCOT prior to implementation.⁵⁷ The "maximize" obligation cannot be read to require implementation of settings changes without the engineering evaluation and regulatory approvals that Good Utility Practice—and ERCOT's own PGRR109—demand.

E. PGRR109 CREATES AN UNAVOIDABLE SEQUENCING ISSUE

PGRR109 requires pre-implementation review by the TSP and ERCOT before implementing any IBR settings modifications affecting electrical performance.⁵⁸ This creates a material tension with ERCOT's implicit expectation that a resource must have already implemented settings changes and submitted a conforming post-maximization model before an extension can be "considered."

The sequencing issue is as follows:

- (1) NOGRR245 requires maximization of FRT capability, including through settings changes.

⁵⁶ See NOG § 2.12.1(3)(d) ("maximized . . . to the greatest extent possible"); NOG § 2.6.2.1(6).

⁵⁷ See Planning Guide § 5.5(5)(a); PGRR109 (requiring pre-implementation review for IBR settings modifications affecting electrical performance).

⁵⁸ See Planning Guide § 5.5(5)(a); PGRR109.

- (2) A conforming model must "accurately represent post-modification expected performance."⁵⁹
- (3) But PGRR109 prohibits implementing the modifications without prior TSP/ERCOT review.
- (4) A model reflecting "post-modification" performance cannot be validated until the modifications are approved and implemented.
- (5) Therefore, the IBR cannot present a conforming model until ERCOT itself has completed the PGRR109 review.

This regulatory sequencing problem is not attributable to Galloway Solar's lack of diligence. It arises from the interaction of the NOGRR245 and PGRR109 frameworks as applied to resources in Galloway Solar's circumstances. The extension mechanism under NOG § 2.12.1 exists precisely to accommodate circumstances where compliance requires a multi-step process that cannot be completed instantaneously.⁶⁰ ERCOT's treatment of the model as a threshold bar to even "considering" the extension fails to account for this structural constraint.

F. ERCOT'S REJECTION WAS DISPROPORTIONATE

ERCOT's blanket rejection—without any graduated response, conditioned approval, or interim relief—was disproportionate to the circumstances. The IBR likely satisfies the Legacy FRT baseline at multiple frequency thresholds; the OEM has confirmed that full FRT compliance is achievable through settings changes alone; Galloway Solar is actively pursuing the necessary engineering evaluation consistent with PGRR109; and the record before the Commission does not reflect evidence that the IBR poses a material reliability risk during the pendency of that process.⁶¹

A proportionate response would have been to grant the extension with conditions—such as milestones for model completion and MQT submission—rather than to summarily reject the request and expose Galloway Solar to compliance consequences notwithstanding its good-faith

⁵⁹ See NOG § 2.12.1(3)(c).

⁶⁰ See NOG § 2.12.1.

⁶¹ See NOG § 2.12.1(10).

efforts and the absence of any reliability concern. The conditioned-extension approach is expressly contemplated by 16 TAC § 22.251(r)(5), which authorizes the Commission to "grant or deny an extension or exemption, with or without conditions, if doing so is in the public interest."⁶²

G. THE COMMISSION HAS BROAD REMEDIAL AUTHORITY UNDER 16 TAC § 22.251(R)(5)

Under 16 TAC § 22.251(r)(5), "the commission may grant or deny an extension or exemption, with or without conditions, if doing so is in the public interest." The Commission may consider evidence of grid-reliability risks and operational or economic impacts to the IBR.⁶³

Here, granting the extension with conditions is in the public interest because:

- (1) There is no demonstrated reliability risk—Galloway Solar likely satisfies the FRT baseline and continues to operate under the § 2.12.1(10) interim framework.⁶⁴
- (2) The OEM has confirmed FRT compliance is achievable through settings changes, and no hardware modifications are required.
- (3) Galloway Solar is diligently pursuing that compliance path consistent with Good Utility Practice and PGRR109.
- (4) Denial exposes a 250 MW solar resource to compliance consequences without a demonstrated corresponding reliability benefit.
- (5) Conditioned relief—with model/MQT completion milestones, periodic status reports, and continued interim compliance—protects the public interest while allowing completion of the NOGRR245 process.

H. DE NOVO REVIEW STANDARD APPLIES UNDER 16 TAC § 22.251(M)

The Commission reviews ERCOT conduct under 16 TAC § 22.251(m) under a de novo standard.⁶⁵ The Commission is not limited to the record before ERCOT at the time of its decision but may consider all relevant evidence, including evidence of the IBR's current capabilities, its compliance path, and the OEM's confirmation of achievable compliance. The Commission may

⁶² See 16 TAC § 22.251(r)(5).

⁶³ 16 TAC § 22.251(r)(5) ("the commission may grant or deny an extension or exemption, with or without conditions, if doing so is in the public interest").

⁶⁴ See NOG § 2.12.1(10); Ex. M (current settings documentation).

⁶⁵ See 16 TAC § 22.251(m).

independently determine whether the extension should be granted based on the full evidentiary record developed in this proceeding.

IX. REQUEST FOR SUSPENSION OF ERCOT CONDUCT PURSUANT TO 16 TAC § 22.251(J)

Pursuant to 16 TAC § 22.251(j), Complainant reserves the right to request suspension of ERCOT's May 6, 2026 rejection during the pendency of this Complaint.⁶⁶ Without suspension, Galloway Solar is exposed to potential enforcement action for not having completed formal maximization despite likely satisfying the Legacy FRT baseline and actively pursuing OEM-confirmed settings changes through the required PGRR109 review process. Complainant has demonstrated a reasonable likelihood of success on the merits given the IBR's compliance posture, OEM confirmation, ERCOT's failure to conduct a reliability analysis, and the PGRR109 sequencing constraint. No material harm to the ERCOT system or other market participants is reasonably anticipated from maintaining compliant operation under the § 2.12.1(10) interim framework.⁶⁷

X. RELIEF REQUESTED

Complainant respectfully requests that the Commission:

- (1) Grant this Complaint and reverse ERCOT's May 6, 2026 Extension Request Rejection Notice for Galloway Solar's IBR (GALLOWAY_SOLAR1).
- (2) Grant the requested extensions for the IBR under NOG §§ 2.6.2.1(1) through December 31, 2026, or such later date as the Commission determines appropriate, with any conditions the Commission finds necessary to protect the public interest under 16 TAC § 22.251(r)(5).
- (3) Grant the requested extension for NOG § 2.6.2.1(1) for the GALLOWAY_SOLAR1 resource through December 31, 2026, or such later date as the Commission determines appropriate, subject to the following conditions:⁶⁸

⁶⁶ See 16 TAC § 22.251(j).

⁶⁷ See NOG § 2.12.1(10).

⁶⁸ See 16 TAC § 22.251(r)(5).

- (a) Model and MQT completion milestones, including submission of a conforming model within 90 days of the Commission's order;
 - (b) Periodic status reports to ERCOT on the progress of settings evaluation, PGRR109 review, model development, and MQT completion;
 - (c) Continued compliance with the applicable interim ride-through requirements under NOG § 2.12.1(10);
 - (d) ERCOT review and approval of settings changes in accordance with PGRR109 prior to implementation; and
 - (e) Documentation of any limitation that cannot be accurately modeled, consistent with NOG § 2.12.1(3)(c).
- (4) In the alternative, if the Commission declines to grant the requested extension directly, remand the matter to ERCOT with instructions to evaluate Galloway Solar's extension request on the merits under NOG § 2.12.1.3 and 16 TAC § 25.517(d), including a reliability-risk assessment, consideration of OEM-confirmed compliance capability, evaluation of the PGRR109 sequencing constraint, assessment of mitigation or conditioned-relief options, and a written explanation sufficient to permit Commission review.⁶⁹
 - (5) Confirm that the undefined "required time period" for notice of appeal to ERCOT under NOG § 2.12.1.3(7) does not bar direct Commission review under 16 TAC § 22.251(r), including where ERCOT's own rejection notice or governing rules do not clearly establish an exclusive or mandatory ERCOT appeal deadline.⁷⁰
 - (6) If requested, suspend ERCOT's May 6, 2026 rejection conduct during the pendency of this Complaint pursuant to 16 TAC § 22.251(j).⁷¹
 - (7) Award such other and further relief as the Commission deems just and appropriate.

XI. QUESTIONS OF FACT REQUIRING EVIDENTIARY HEARING

Galloway Solar submits that the following questions of fact require an evidentiary hearing to the extent ERCOT disputes them or relies on evidence outside the written rejection notice and the record submitted with this Complaint. These questions are material to the Commission's de novo review under 16 TAC § 22.251(m), the Commission's authority to resolve this complaint

⁶⁹ See NOG § 2.12.1.3; 16 TAC § 25.517(d).

⁷⁰ See NOG § 2.12.1.3(7) (undefined "required time period").

⁷¹ See 16 TAC § 22.251(j).

under 16 TAC § 22.251(r), ERCOT’s assessment obligations under 16 TAC § 25.517(d), and ERCOT’s extension-review obligations under NOG § 2.12.1.3.

- (1) Whether ERCOT conducted any reliability risk assessment prior to rejecting Galloway Solar's extension request, and if so, what factors were considered.
- (2) The extent to which ERCOT's rejection process complied with the procedural requirements of NOG § 2.12.1.3, including designation of a senior decision-maker and issuance of a written merits-based rationale.
- (3) Whether Galloway Solar's current FRT settings present any threshold reliability risk to the ERCOT system.
- (4) The feasibility and timeline for implementing the Sungrow-recommended settings changes and completing the PGRR109 review process.
- (5) Whether ERCOT made reasonable efforts to work with Galloway Solar to identify mutually acceptable options before denying the extension.
- (6) Whether the PGRR109 pre-implementation review requirement was a material factor in the timeline for model submission and, if so, whether ERCOT's rejection adequately accounted for that regulatory constraint.

Complainant reserves the right to identify additional questions of fact requiring an evidentiary hearing based on ERCOT’s response, Commission Staff’s comments, intervenor filings, or any evidence ERCOT identifies in support of the May 6, 2026 rejection.

XII. PROPOSED PROCEDURAL SCHEDULE

Complainant respectfully request that the Commission adopt the following proposed procedural schedule for the Complaint:

Event	Proposed Deadline
Complaint filed	June 10, 2026
ERCOT Notice	June 24, 2026
ERCOT Response	July 8, 2026
Motions to Intervene	July 27, 2026
Commission Staff Comments	July 27, 2026
Intervenor Responses	July 27, 2026
Complainant Reply	August 4, 2026
Joint Determination re Evidentiary Hearing / SOAH referral	August 18, 2026
Joint Proposed Procedural Schedule (Evidentiary Phase)	August 25, 2026

(if necessary)	
Commission Consideration (if no evidentiary phase)	August 25, 2026 + First Available Open Meeting
SOAH Referral / Procedural Order (Evidentiary Phase) (if factual determinations are required)	August 25, 2026 + As Soon As Practicable
Complainant Direct Testimony	September 15, 2026
ERCOT / Staff / Intervenor Direct/Cross	October 6, 2026
Complainant Rebuttal Testimony	October 20, 2026
Objections to Pre-filed Testimony and Exhibits	October 27, 2026
Replies to Objections / Exhibit Lists / Witness Lists	November 3, 2026
Hearing on the Merits	November 10–11, 2026
Initial Briefs	December 1, 2026
Reply Briefs	December 11, 2026
Proposal for Decision (PFD) / Proposed Order	January 8, 2027
Exceptions to PFD / Proposed Order	Date set in PFD/Procedural Order
Replies to Exceptions	Date set in PFD/Procedural Order
Commission Decision	PFD exceptions/replies + First Available Open Meeting

This schedule is consistent with 16 TAC § 22.251.

XIII. REQUEST FOR ENTRY OF PROTECTIVE ORDER

Galloway Solar expects that, throughout this proceeding, it may be required to file certain documents considered by Galloway Solar to be Protected materials or Highly Sensitive Protected materials that are not subject to public disclosure in addition to the confidential materials in its initial complaint.

Galloway Solar respectfully requests that the Administrative Law Judge issue a Protective Order protecting confidential and highly sensitive protected materials that may be produced in this proceeding and order all parties to this proceeding to abide by the Protective Order. A courtesy copy of the standard form of Protective Order used in PUC proceedings is attached to this motion as Attachment A.

Respectfully submitted on June 10, 2026,



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ATTORNEYS FOR 2255DD 8ME LLC

CERTIFICATE OF SERVICE

I certify that on June 10, 2026, notice of the filing of the foregoing instrument with the Commission was served on ERCOT's General Counsel and the Office of Public Utility Counsel by electronic service in accordance with the *Second Order Suspending Rules* issued in Project No. 50664.



Juliana Sersen

RECORD OF EXHIBITS

Attached hereto is a certified or sworn copy of the following documents constituting or evidencing the matter complained of, as required by § 22.251(e)(2)(H):

Exhibit A:	ERCOT Extension Request Rejection Notice
Confidential Exhibit B:	Galloway NOGRR 245 Package Submission
Confidential Exhibit C:	Galloway NOGRR 245 Package Submission – Second Extension Request
Confidential Exhibit D:	Galloway Initial Frequency Ride-Through Capability Report (IFRTCR) Submission
Confidential Exhibit E:	Galloway Initial Voltage Ride-Through Capability Report (IVRTCR) Submission
Exhibit F:	ERCOT Response – Receipt of NOGRR 245 Package
Confidential Exhibit G:	ERCOT Initial Assessment
Confidential Exhibit H:	ERCOT FRT/VRT Status Report and Galloway Responses
Confidential Exhibit I:	ERCOT Missing Information Request
Confidential Exhibit J:	ERCOT Letter
Confidential Exhibit K:	ERCOT Second Missing Information Request
Confidential Exhibit L:	Centrec Compliance Analysis
Confidential Exhibit M:	Galloway RFI Responses

DOCKET NO.

COMPLAINT OF 225DD 8ME LLC § PUBLIC UTILITY COMMISSION
AGAINST THE ELECTRIC §
RELIABILITY COUNCIL OF TEXAS, § OF TEXAS
INC.

PROTECTIVE ORDER

This Protective Order governs the use of all information deemed confidential (Protected Materials) or highly confidential (Highly Sensitive Protected Materials), including information whose confidentiality is currently under dispute, by a party providing information to the Public Utility Commission of Texas (Commission) or to any other party to this proceeding.

It is ORDERED that:

1. **Designation of Protected Materials.** Upon producing or filing a document, including, but not limited to, records on a computer disk or other similar electronic storage medium in this proceeding, the producing party may designate that document, or any portion of it, as confidential pursuant to this Protective Order by typing or stamping on its face "PROTECTED PURSUANT TO PROTECTIVE ORDER ISSUED IN DOCKET NO. _____" (or words to this effect) and consecutively Bates Stamping each page. Protected Materials and Highly Sensitive Protected Materials include the documents so designated, as well as the substance of the information contained in the documents and any description, report, summary, or statement about the substance of the information contained in the documents.
2. **Materials Excluded from Protected Materials Designation.** Protected Materials must not include any information or document contained in the public files of the Commission or any other federal or state agency, court, or local governmental authority subject to the Public Information Act.¹ Protected Materials also must not include documents or information which at the time of, or prior to disclosure in, a proceeding is or was public

¹ Tex. Gov. Code § 552.001-.353.

knowledge, or which becomes public knowledge other than through disclosure in violation of this Protective Order.

3. **Reviewing Party.** For the purposes of this Protective Order, a "Reviewing Party" is any party to this docket.
4. **Procedures for Designation of Protected Materials.** On or before the date the Protected Materials or Highly Sensitive Protected Materials are provided to the Commission, the producing party is required to file with the Commission and deliver to each party to the proceeding a written statement, which may be in the form of an objection, indicating: (a) any exemptions to the Public Information Act claimed to apply to the alleged Protected Materials; (b) the reasons supporting the producing party's claim that the responsive information is exempt from public disclosure under the Public Information Act and subject to treatment as protected materials; and (c) that counsel for the producing party has reviewed the information sufficiently to state in good faith that the information is exempt from public disclosure under the Public Information Act and merits the Protected Materials designation.
5. **Persons Permitted Access to Protected Materials.** Except as otherwise provided in this Protective Order, a Reviewing Party may access Protected Materials only through its "Reviewing Representatives" who have signed the Protective Order Certification Form (see Attachment A). Reviewing Representatives of a Reviewing Party include its counsel of record in this proceeding and associated attorneys, paralegals, economists, statisticians, accountants, consultants, or other persons employed or retained by the Reviewing Party and directly engaged in this proceeding. At the request of the PUC Commissioners, copies of Protected Materials may be produced by Commission Staff. The Commissioners and their staff must be informed of the existence and coverage of this Protective Order and will observe the restrictions of the Protective Order.
6. **Highly Sensitive Protected Material Described.** The term "Highly Sensitive Protected Materials" is a subset of Protected Materials and refers to documents or information that a producing party claims is of such a highly sensitive nature that making copies of such

documents or information or providing access to such documents to employees of the Reviewing Party (except as specified herein) would expose a producing party to unreasonable risk of harm. Highly Sensitive Protected Materials include but are not limited to: (a) customer-specific information protected by § 32.101(c) of the Public Utility Regulatory Act,² (b) contractual information pertaining to contracts that specify that their terms are confidential or that are confidential pursuant to an order entered in litigation to which the producing party is a party; (c) market-sensitive fuel price forecasts, wholesale transactions information and/or market-sensitive marketing plans; or (d) business operations or financial information that is commercially sensitive. Documents or information so classified by a producing party shall bear the designation "HIGHLY SENSITIVE PROTECTED MATERIALS PROVIDED PURSUANT TO PROTECTIVE ORDER ISSUED IN DOCKET NO. _____" (or words to this effect) and shall be consecutively Bates Stamped. The provisions of this Protective Order pertaining to Protected Materials also apply to Highly Sensitive Protected Materials, except where this Protective Order provides for additional protections for Highly Sensitive Protected Materials. In particular, the procedures herein for challenging the producing party's designation of information as Protected Materials also apply to information that a producing party designates as Highly Sensitive Protected Materials.

7. Restrictions on Copying and Inspection of Highly Sensitive Protected Material.

Except as expressly provided herein, only one copy may be made of any Highly Sensitive Protected Materials except that additional copies may be made to have sufficient copies for introduction of the material into the evidentiary record if the material is to be offered for admission into the record. The Reviewing Party is required to maintain a record of all copies made of Highly Sensitive Protected Material and must send a duplicate of the record to the producing party when the copy or copies are made. The record must specify the location and the person possessing the copy. Highly Sensitive Protected Material must be made available for inspection only at the location or locations provided by the producing party, except as specified by Paragraph 9. Limited notes may be made of Highly Sensitive Protected Materials, and such notes must themselves be treated as Highly

² Tex. Util. Code Ann. §§ 11.001-66.016 ("PURA").

Sensitive Protected Materials unless such notes are limited to a description of the document and a general characterization of its subject matter in a manner that does not state any substantive information contained in the document.

8. **Restricting Persons Who May Have Access to Highly Sensitive Protected Material.**

With the exception of Commission Staff, the Office of the Attorney General (OAG), and the Office of Public Utility Counsel (OPC), and except as provided herein, the Reviewing Representatives for the purpose of access to Highly Sensitive Protected Materials may be persons who are (a) outside counsel for the Reviewing Party, (b) outside consultants for the Reviewing Party working under the direction of Reviewing Party's counsel, or (c) employees of the Reviewing Party working with and under the direction of Reviewing Party's counsel who have been authorized by the presiding officer to review Highly Sensitive Protected Materials. The Reviewing Party must limit the number of Reviewing Representatives that review Highly Sensitive Protected Materials to the minimum number of persons necessary. The Reviewing Party is under a good faith obligation to limit access to each portion of any Highly Sensitive Protected Materials to two Reviewing Representatives whenever possible. Reviewing Representatives for Commission Staff, OAG, and OPC, for the purpose of access to Highly Sensitive Protected Materials, must consist of their respective counsel of record in this proceeding and associated attorneys, paralegals, economists, statisticians, accountants, consultants, or other persons employed or retained by them and directly engaged in these proceedings.

9. **Copies Provided of Highly Sensitive Protected Material.** A producing party is required to provide one copy of Highly Sensitive Protected Materials specifically requested by the Reviewing Party to the person designated by the Reviewing Party who must be a person authorized to review Highly Sensitive Protected Material under Paragraph 8. Representatives of the Reviewing Party who are authorized to view Highly Sensitive Protected Material may review the copy of Highly Sensitive Protected Materials at the office of the Reviewing Party's representative designated to receive the information. Any Highly Sensitive Protected Materials provided to a Reviewing Party may not be copied except as provided in Paragraph 7. The restrictions contained herein

do not apply to Commission Staff, OPC, and the OAG when the OAG is a representing a party to the proceeding.

10. **Procedures in Paragraphs 10-14 Apply to Commission Staff, OPC, ERCOT, and the OAG and Control in the Event of Conflict.** The procedures in Paragraphs 10 through 14 apply to responses to requests for documents or information that the producing party designates as Highly Sensitive Protected Materials and provides to Commission Staff, OPC, and the OAG in recognition of their purely public functions. To the extent the requirements of Paragraphs 10 through 14 conflict with any requirements contained in other paragraphs of this Protective Order, the requirements of these Paragraphs control.

11. **Copy of Highly Sensitive Protected Material to be Provided to Commission Staff, OPC and the OAG.** When, in response to a request for information by a Reviewing Party, the producing party makes available for review documents or information claimed to be Highly Sensitive Protected Materials, the producing party is required to also deliver one copy of the Highly Sensitive Protected Materials to the Commission Staff OPC (if OPC is a party), and the OAG (if the OAG is representing a party) in Austin, Texas. Provided however, that in the event such Highly Sensitive Protected Materials are voluminous, the materials will be made available for review by Commission Staff, OPC (if OPC is a party), and the OAG (if the OAG is representing a party) at the designated office in Austin, Texas. The Commission Staff, OPC (if OPC is a party), and the OAG (if the OAG is representing a party) may request such copies as are necessary of such voluminous material under the copying procedures specified herein.

12. **Delivery of the Copy of Highly Sensitive Protected Material to Commission Staff and Outside Consultants.** The Commission Staff, OPC (if OPC is a party), and the OAG (if the OAG is representing a party) may deliver the copy of Highly Sensitive Protected Materials received by them to the appropriate members of their staff for review, provided such staff members first sign the certification specified by Paragraph 15. After obtaining the agreement of the producing party, Commission Staff OPC (if OPC is a party), and the OAG (if the OAG is representing a party) may deliver the copy of Highly Sensitive

Protected Materials received by it to the agreed, appropriate members of their outside consultants for review, provided such outside consultants first sign the certification in Attachment A.

13. **Restriction on Copying by Commission Staff, OPC and the OAG.** Except as allowed by Paragraph 7, Commission Staff OPC and the OAG may not make additional copies of the Highly Sensitive Protected Materials furnished to them unless the producing party agrees in writing otherwise, or, upon a showing of good cause, the presiding officer directs otherwise. Commission Staff, OPC, and the OAG may make limited notes of Highly Sensitive Protected Materials furnished to them, and all such handwritten notes will be treated as Highly Sensitive Protected Materials as are the materials from which the notes are taken.
14. **Public Information Requests.** In the event of a request for any of the Highly Sensitive Protected Materials under the Public Information Act, an authorized representative of the Commission, OPC, or the OAG may furnish a copy of the requested Highly Sensitive Protected Materials to the Open Records Division at the OAG together with a copy of this Protective Order after notifying the producing party that such documents are being furnished to the OAG. Such notification may be provided simultaneously with the delivery of the Highly Sensitive Protected Materials to the OAG.
15. **Required Certification.** Each person who inspects the Protected Materials must, before such inspection, agree in writing to the following certification found in Attachment A to this Protective Order:

I certify my understanding that the Protected Materials are provided to me pursuant to the terms and restrictions of the Protective Order in this docket, and that I have been given a copy of it and have read the Protective Order and agree to be bound by it. I understand that the contents of the Protected Materials, any notes, memoranda, or any other form of information regarding or derived from the Protected Materials must not be disclosed to anyone other than in accordance with the Protective Order and unless I am an employee of the Commission or OPC will be used only for the purpose of the proceeding in Docket No. [___]. I acknowledge that the obligations imposed by this certification are pursuant to such Protective Order. Provided, however, if the information

contained in the Protected Materials is obtained from independent public sources, the understanding stated herein must not apply.

In addition, Reviewing Representatives who are permitted access to Highly Sensitive Protected Material under the terms of this Protective Order must, before inspection of such material, agree in writing to the following certification found in Attachment A to this Protective Order:

I certify that I am eligible to have access to Highly Sensitive Protected Material under the terms of the Protective Order in this docket.

The Reviewing Party is required to provide a copy of each signed certification to Counsel for the producing party and serve a copy upon all parties of record.

16. **Disclosures between Reviewing Representatives and Continuation of Disclosure Restrictions after a Person is no Longer Engaged in the Proceeding.** Any Reviewing Representative may disclose Protected Materials, other than Highly Sensitive Protected Materials, to any other person who is a Reviewing Representative provided that, if the person to whom disclosure is to be made has not executed and provided for delivery of a signed certification to the party asserting confidentiality, that certification must be executed prior to any disclosure. A Reviewing Representative may disclose Highly Sensitive Protected Material to other Reviewing Representatives who are permitted access to such material and have executed the additional certification required for persons who receive access to Highly Sensitive Protected Material. In the event that any Reviewing Representative to whom Protected Materials are disclosed ceases to be engaged in these proceedings, access to Protected Materials by that person must be terminated and all notes, memoranda, or other information derived from the protected material must either be destroyed or given to another Reviewing Representative of that party who is authorized pursuant to this Protective Order to receive the protected materials. Any person who has agreed to the foregoing certification is required to continue to be bound by the provisions of this Protective Order so long as it is in effect, even if no longer engaged in these proceedings.

17. **Producing Party to Provide One Copy of Certain Protected Material and Procedures for Making Additional Copies of Such Materials.** Except for Highly Sensitive Protected Materials, which must be provided to the Reviewing Parties under Paragraph 9, and voluminous Protected Materials, the producing party is required to provide a Reviewing Party one copy of the Protected Materials upon receipt of the signed certification described in Paragraph 15. Except for Highly Sensitive Protected Materials, a Reviewing Party may make further copies of Protected Materials for use in this proceeding according to this Protective Order, but a record must be maintained as to the documents reproduced and the number of copies made, and upon request the Reviewing Party is required to provide the party asserting confidentiality with a copy of that record.
18. **Procedures Regarding Voluminous Protected Materials.** 16 Texas Administrative Code (TAC) § 22.144(h) will govern production of voluminous Protected Materials. Voluminous Protected Materials will be made available in the producing party's voluminous room, in Austin, Texas, or at a mutually agreed upon location, Monday through Friday, 9:00 a.m. to 5:00 p.m. (except on state or Federal holidays), and at other mutually convenient times upon reasonable request.
19. **Reviewing Period Defined.** The Protected Materials may be reviewed only during the Reviewing Period, which will commence upon entry of this Protective Order and continue until the expiration of the Commission's plenary jurisdiction. The Reviewing Period will reopen if the Commission regains jurisdiction due to a remand as provided by law. Protected materials that are admitted into the evidentiary record or accompanying the evidentiary record as offers of proof may be reviewed throughout the pendency of this proceeding and any appeals.
20. **Procedures for Making Copies of Voluminous Protected Materials.** Other than Highly Sensitive Protected Materials, Reviewing Parties may take notes regarding the information contained in voluminous Protected Materials made available for inspection or they may make photographic, mechanical or electronic copies of the Protected Materials, subject to the conditions in this Protective Order; provided, however, that before photographic, mechanical or electronic copies may be made, the Reviewing Party seeking photographic, mechanical or electronic copies must provide written confirmation of the receipt of copies

listed on Attachment B of this Protective Order identifying each piece of Protected Materials or portions thereof the Reviewing Party will need.

21. **Protected Materials to be Used Solely for the Purposes of These Proceedings.** All Protected Materials must be made available to the Reviewing Parties and their Reviewing Representatives solely for the purposes of these proceedings. Access to the Protected Materials may not be used in the furtherance of any other purpose, including, without limitation: (a) any other pending or potential proceeding involving any claim, complaint, or other grievance of whatever nature, except appellate review proceedings that may arise from or be subject to these proceedings; or (b) any business or competitive endeavor of whatever nature. Because of their statutory regulatory obligations, these restrictions do not apply to Commission Staff or OPC.

22. **Procedures for Confidential Treatment of Protected Materials and Information Derived from Those Materials.** Protected Materials, as well as a Reviewing Party's notes, memoranda, or other information regarding or derived from the Protected Materials are to be treated confidentially by the Reviewing Party and must not be disclosed or used by the Reviewing Party except as permitted and provided in this Protective Order. Information derived from or describing the Protected Materials must be maintained in a secure place and must not be placed in the public or general files of the Reviewing Party except in accordance with the provisions of this Protective Order. A Reviewing Party must take all reasonable precautions to ensure that the Protected Materials including notes and analyses made from Protected Materials that disclose Protected Materials are not viewed or taken by any person other than a Reviewing Representative of a Reviewing Party.

23. **Procedures for Submission of Protected Materials.** If a Reviewing Party tenders for filing any Protected Materials, including Highly Sensitive Protected Materials, or any written testimony, exhibit, brief motion or other type of pleading or other submission at the Commission or before any other judicial body that quotes from Protected Materials or discloses the content of Protected Materials, the confidential portion of such submission must be filed and sewed in sealed envelopes or other appropriate containers endorsed to

the effect that they contain Protected Material or Highly Sensitive Protected Material and are sealed pursuant to this Protective Order. If filed at the Commission, such documents must be marked "PROTECTED MATERIAL" and must be filed under seal with the presiding officer and served under seal to the counsel of record for the Reviewing Parties. The presiding officer may subsequently, on his/her own motion or on motion of a party, issue a ruling respecting whether or not the inclusion, incorporation or reference to Protected Materials is such that such submission should remain under seal. If filing before a judicial body, the filing party: (a) must notify the party which provided the information within sufficient time so that the producing party may seek a temporary sealing order; and (b) must otherwise follow the procedures in Rule 76a, Texas Rules of Civil Procedure.

24. **Maintenance of Protected Status of Materials during Pendency of Appeal of Order**

Holding Materials are not Protected Materials. In the event that the presiding officer at any time in the course of this proceeding finds that all or part of the Protected Materials are not confidential or proprietary, by finding, for example, that such materials have entered the public domain or materials claimed to be Highly Sensitive Protected Materials are only Protected Materials, those materials will nevertheless be subject to the protection afforded by this Protective Order for three (3) full working days, unless otherwise ordered, from the date the party asserting confidentiality receives notice of the presiding officer's order. Such notification will be by written communication. This provision establishes a deadline for appeal of a presiding officer's order to the Commission. In the event an appeal to the Commissioners is filed within those three (3) working days from notice, the Protected Materials must be afforded the confidential treatment and status provided in this Protective Order during the pendency of such appeal. Neither the party asserting confidentiality, nor any Reviewing Party waives its right to seek additional administrative or judicial remedies after the Commission's denial of any appeal.

25. **Notice of Intent to Use Protected Materials or Change Materials Designation.**

Parties intending to use Protected Materials must notify the other parties prior to offering them into evidence or otherwise disclosing such information into the record of the proceeding. During the pendency of Docket No. _____ at the Commission, in the event that a Reviewing Party wishes to disclose Protected Materials to any person to whom disclosure

is not authorized by this Protective Order, or wishes to have changed the designation of certain information or material as Protected Materials by alleging, for example, that such information or material has entered the public domain, such Reviewing Party must first file and serve on all parties written notice of such proposed disclosure or request for change in designation, identifying with particularity each of such Protected Materials. A Reviewing Party will at any time be able to file a written motion to challenge the designation of information as Protected Materials.

26. **Procedures to Contest Disclosure or Change in Designation.** In the event that the party asserting confidentiality wishes to contest a proposed disclosure or request for change in designation, the party asserting confidentiality must file with the appropriate presiding officer its objection to a proposal, with supporting affidavits, if any, within five (5) working days after receiving such notice of proposed disclosure or change in designation. Failure of the party asserting confidentiality to file such an objection within this period will be deemed a waiver of objection to the proposed disclosure or request for change in designation. Within five (5) working days after the party asserting confidentiality files its objection and supporting materials, the party challenging confidentiality may respond. Any such response must include a statement by counsel for the party challenging such confidentiality that he or she has reviewed all portions of the materials in dispute and, without disclosing the Protected Materials, a statement as to why the Protected Materials should not be held to be confidential under current legal standards, or that the party asserting confidentiality for some reason did not allow such counsel to review such materials. If either party wishes to submit the material in question for in camera inspection, it must do so no later than five (5) working days after the party challenging confidentiality has made its written filing.
27. **Procedures for Presiding Officer Determination Regarding Proposed Disclosure or Change in Designation.** If the party asserting confidentiality files an objection, the appropriate presiding officer will determine whether the proposed disclosure or change in designation is appropriate. Upon the request of either the producing or Reviewing Party or upon the presiding officer's own initiative, the presiding officer may conduct a preheating conference. The burden is on the party asserting confidentiality to show that such proposed

disclosure or change in designation should not be made. If the presiding officer determines that such proposed disclosure or change in designation should be made, disclosure must not take place earlier than three (3) full working days after such determination unless otherwise ordered. No party waives any right to seek additional administrative or judicial remedies concerning such presiding officer's ruling.

28. **Maintenance of Protected Status during Periods Specified for Challenging Various Orders.** Any party electing to challenge, in the courts of this state, a Commission or presiding officer determination allowing disclosure or a change in designation will have a period of ten (10) days from: (a) the date of an unfavorable Commission order; or (b) if the Commission does not rule on an appeal of an interim order, the date an appeal of an interim order to the Commission is overruled by operation of law, to obtain a favorable ruling in state district court. Any party challenging a state district court determination allowing disclosure or a change in designation will have an additional period of ten (10) days from the date of the order to obtain a favorable ruling from a state appeals court. Finally, any party challenging a determination of a state appeals court allowing disclosure or a change in designation will have an additional period of ten (10) days from the date of the order to obtain a favorable ruling from the state supreme court, or other appellate court. All Protected Materials must be afforded the confidential treatment and status provided for in this Protective Order during the periods for challenging the various orders referenced in this paragraph. For purposes of this paragraph, a favorable ruling of a state district court, state appeals court, Supreme Court or other appellate court includes any order extending the deadlines in this paragraph.
29. **Other Grounds for Objection to Use of Protected Materials Remain Applicable.** Nothing in this Protective Order precludes any party from objecting to the use of Protected Materials on grounds other than confidentiality, including the lack of required relevance. Nothing in this Protective Order constitutes a waiver of the right to argue for more disclosure, provided, however, that unless the Commission or a court orders such additional disclosure, all parties will abide by the restrictions imposed by the Protective Order.

30. **Protection of Materials from Unauthorized Disclosure.** All notices, applications, responses or other correspondence must be made in a manner which protects Protected Materials from unauthorized disclosure.
31. **Return of Copies of Protected Materials and Destruction of Information Derived from Protected Materials.** Following the conclusion of these proceedings, each Reviewing Party must, no later than thirty (30) days following receipt of the notice described below, return to the party asserting confidentiality all copies of the Protected Materials provided by that party pursuant to this Protective Order and all copies reproduced by a Reviewing Party, and counsel for each Reviewing Party must provide to the party asserting confidentiality a letter by counsel that, to the best of his or her knowledge, information, and belief, all copies of notes, memoranda, and other documents regarding or derived from the Protected Materials (including copies of Protected Materials) that have not been so returned, if any, have been destroyed, other than notes, memoranda, or other documents which contain information in a form which, if made public, would not cause disclosure of the substance of Protected Materials. As used in this Protective Order, "conclusion of these proceedings" refers to the exhaustion of available appeals, or the running of the time for the making of such appeals, as provided by applicable law. If, following any appeal, the Commission conducts a remand proceeding, then the "conclusion of these proceedings" is extended by the remand to the exhaustion of available appeals of the remand, or the conning of the time for making such appeals of the remand, as provided by applicable law. Promptly following the conclusion of these proceedings, counsel for the party asserting confidentiality will send a written notice to all other parties, reminding them of their obligations under this Paragraph. Nothing in this Paragraph prohibits counsel for each Reviewing Party from retaining two (2) copies of any filed testimony, brief, application for rehearing, hearing exhibit or other pleading which refers to Protected Materials provided that any such Protected Materials retained by counsel will remain subject to the provisions of this Protective Order.

32. **Applicability of Other Law.** This Protective Order is subject to the requirements of the Public Information Act, the Open Meetings Act,³ the Texas Securities Act⁴ and any other applicable law, provided that parties subject to those acts will notify the party asserting confidentiality, if possible, under those acts, prior to disclosure pursuant to those acts. Such notice is not required where the Protected Materials are sought by governmental officials authorized to conduct a criminal or civil investigation that relates to or involves the Protected Materials, and those governmental officials aver in writing that such notice could compromise the investigation and that the governmental entity involved will maintain the confidentiality of the Protected Materials.
33. **Procedures for Release of Information under Order.** If required by order of a governmental or judicial body, the Reviewing Party may release to such body the confidential information required by such order; provided, however, that: (a) the Reviewing Party must notify the producing party of the order requiring the release of such information within five (5) calendar days of the date the Reviewing Party has notice of the order; (b) the Reviewing Party must notify the producing party at least five (5) calendar days in advance of the release of the information to allow the producing party to contest any release of the confidential information; and (c) the Reviewing Party must use its best efforts to prevent such materials from being disclosed to the public. The terms of this Protective Order do not preclude the Reviewing Party from complying with any valid and enforceable order of a state or federal court with competent jurisdiction specifically requiring disclosure of Protected Materials earlier than contemplated herein. The notice specified in this section is not required where the Protected Materials are sought by governmental officials authorized to conduct a criminal or civil investigation that relates to or involves the Protected Materials, and those governmental officials aver in writing that such notice could compromise the investigation and that the governmental entity involved will maintain the confidentiality of the Protected Materials.
34. **Best Efforts Defined.** The term "best efforts" as used in the preceding paragraph requires that the Reviewing Party attempt to ensure that disclosure is not made unless

³ Tex. Gov. Code §§ 551.001-146

⁴ Tex. Rev. Civ. Stat. Ann. Arts. 581-1 to 581-43.

such disclosure is pursuant to a final order of a Texas governmental or Texas judicial body, the written opinion of the Texas Attorney General sought in compliance with the Public Information Act, or the request of governmental officials authorized to conduct a criminal or civil investigation that relates to or involves the Protected Materials. The Reviewing Party is not required to delay compliance with a lawful order to disclose such information but is simply required to timely notify the party asserting confidentiality, or its counsel, that it has received a challenge to the confidentiality of the information and that the Reviewing Party will either proceed under the provisions of §552.301 of the Public Information Act, or intends to comply with the final governmental or court order. Provided, however, that no notice is required where the Protected Materials are sought by governmental officials authorized to conduct a criminal or civil investigation that relates to or involves the Protected Materials, and those governmental officials aver in writing that such notice could compromise the investigation and that the governmental entity involved will maintain the confidentiality of the Protected Materials.

35. **Notify Defined.** “Notify” for purposes of Paragraphs 32, 33 and 34 means written notice to the party asserting confidentiality at least five (5) calendar days prior to release; including when a Reviewing Party receives a request under the Public Information Act. However, the Commission, OAG, OPC, or ERCOT may provide a copy of Protected Materials to the Open Records Division of the OAG as provided herein.

36. **Requests for Non-Disclosure.** If the producing party asserts that the requested information should not be disclosed at all, or should not be disclosed to certain parties under the protection afforded by this Protective Order, the producing party must tender the information for in camera review to the presiding officer within ten (10) calendar days of the request. At the same time, the producing party is required to file and serve on all parties its argument, including any supporting affidavits, in support of its position of non-disclosure. The burden is on the producing party to establish that the material should not be disclosed. The producing party must serve a copy of the information under the classification of Highly Sensitive Protected Material to all parties requesting the

information that the producing party has not alleged should be prohibited from reviewing the information.

Parties wishing to respond to the producing party's argument for non-disclosure must do so within five working days. Responding parties should explain why the information should be disclosed to them, including why disclosure is necessary for a fair adjudication of the case if the material is determined to constitute a trade secret. If the presiding officer finds that the information should be disclosed as Protected Material under the terms of this Protective Order, the presiding officer will stay the order of disclosure for such period of time as the presiding officer deems necessary to allow the producing party to appeal the ruling to the Commission.

37. **Sanctions Available for Abuse of Designation.** If the presiding officer finds that a producing party unreasonably designated material as Protected Material or as Highly Sensitive Protected Material, or unreasonably attempted to prevent disclosure pursuant to Paragraph 36, the presiding officer may sanction the producing party pursuant to 16 TAC § 22.161.
38. **Modification of Protective Order.** Each party will have the right to seek changes in this Protective Order as appropriate from the presiding officer.
39. **Breach of Protective Order.** In the event of a breach of the provisions of this Protective Order, the producing party, if it sustains its burden of proof required to establish the right to injunctive relief, will be entitled to an injunction against such breach without any requirements to post bond as a condition of such relief. The producing party will not be relieved of proof of any element required to establish the right to injunctive relief. In addition to injunctive relief, the producing party will be entitled to pursue any other form of relief to which it is entitled.

ATTACHMENT A

Protective Order Certification

I certify my understanding that the Protected Materials are provided to me pursuant to the terms and restrictions of the Protective Order in this docket and that I have received a copy of it and have read the Protective Order and agree to be bound by it. I understand that the contents of the Protected Materials, any notes, memoranda, or any other form of information regarding or derived from the Protected Materials must not be disclosed to anyone other than in accordance with the Protective Order and unless I am an employee of the Commission or OPC will be used only for the purpose of the proceeding in Docket No. _____. I acknowledge that the obligations imposed by this certification are pursuant to such Protective Order. Provided, however, if the information contained in the Protected Materials is obtained from independent public sources, the understanding stated here will not apply.

Signature

Party Represented

Printed Name

Date

I certify that I am eligible to have access to Highly Sensitive Protected Material under the terms of the Protective Order in this docket.

Signature

Party Represented

Printed Name

Date

ATTACHMENT B

I request to view/copy the following documents:

Document Requested	# of Copies	Non-Confidential	Protected Materials and/or Highly Sensitive Protected Materials

Signature

Party Represented

Printed Name

Re: Extension Request Rejection Notice

Date: May 6, 2026

On September 26, 2024, the Public Utility Commission of Texas (PUCT) approved Nodal Operating Guide (NOG) Revision Request 245 (NOGRR245), Inverter-Based Resource (IBR) Ride-Through Requirements, to be effective October 1, 2024. NOGRR245 required Resource Entities (REs) to submit extension requests and notices of intent to request an exemption from a frequency or voltage ride-through requirement, along with supporting documentation, by April 1, 2025. See NOG §§ 2.11.1(1), 2.11.2(1), 2.12.1(1). Subsequently, ERCOT extended that deadline to April 15, 2025. See Market Notice [M-A010825-05](#).

After receiving initial submissions not containing the minimum level of information required by the NOG, ERCOT allowed REs to submit all the required information for a Resource by September 15, 2025. See Market Notice [M-A010825-06](#). The Market Notice highlighted the importance of submitting **“a model accurately representing post-modification expected performance reflecting all technical limitations.”** *Id.* ERCOT has since worked with REs to identify missing information so the RE could provide that missing information.

225DD 8ME LLC requested an extension for NOG § 2.6.2.1(1) for the Galloway Solar (GALLOWAY_SOLAR1) Resource.

ERCOT’s records show 225DD 8ME submitted a model after the September 15, 2025 deadline (October 9, 2025). ERCOT’s Dynamics group returned that model seven days later (October 16, 2025) for correction because: (i) it was missing the Model Quality Test (MQT) and the PSCAD model; (ii) the models were not in the ERCOT template format; and (iii) 225DD 8ME failed to provide a description of the updated parameters.

ERCOT reviewed 225DD 8ME LLC’s September 2025 extension request and information submission and found it incomplete. Consequently, ERCOT sent a Missing Information Request (MIR) to 225DD 8ME LLC on November 25, 2025 pursuant to NOG § 2.12.1.3(1)(b) indicating the submission lacked information related to frequency ride-through items (e), (f), (g), (h), (j) and (l) and voltage ride-through item (l).

225DD 8ME LLC responded to the MIR on December 9, 2025, but ERCOT found that submission still incomplete. On February 19, 2026, ERCOT sent 225DD 8ME LLC a second MIR instructing 225DD 8ME LLC to submit, among other things, a model accurately representing expected performance reflecting all technical limitations.

On March 6, 2026, 225DD 8ME LLC responded to the second MIR indicating its model and Model Quality Test were in revision. As of May 1, 2026, 225DD 8ME LLC has not submitted the required correct model.

Because 225DD 8ME LLC did not submit the information required in NOG § 2.12.1(3)(c), ERCOT is unable to consider the extension and hereby rejects the extension request.

Pursuant to NOG §2.12.1.3(6), the Requesting Entity may appeal this decision directly to the PUCT without the need to comply with the Alternative Dispute Resolution Procedure in Protocol Section 20.

Please note, even though ERCOT has rejected the extension request, the NOG still requires 225DD 8ME LLC to: (i) ensure the Resource's frequency ride-through capability is set to the maximum level the equipment allows to meet or exceed the requirements of NOG § 2.6.2.1(1) - (5); and (ii) maximize the performance of the Resource's protection systems, controls, and other plant equipment to meet and, if possible, exceed the performance requirements in NOG § 2.9.1.2(1) - (7).

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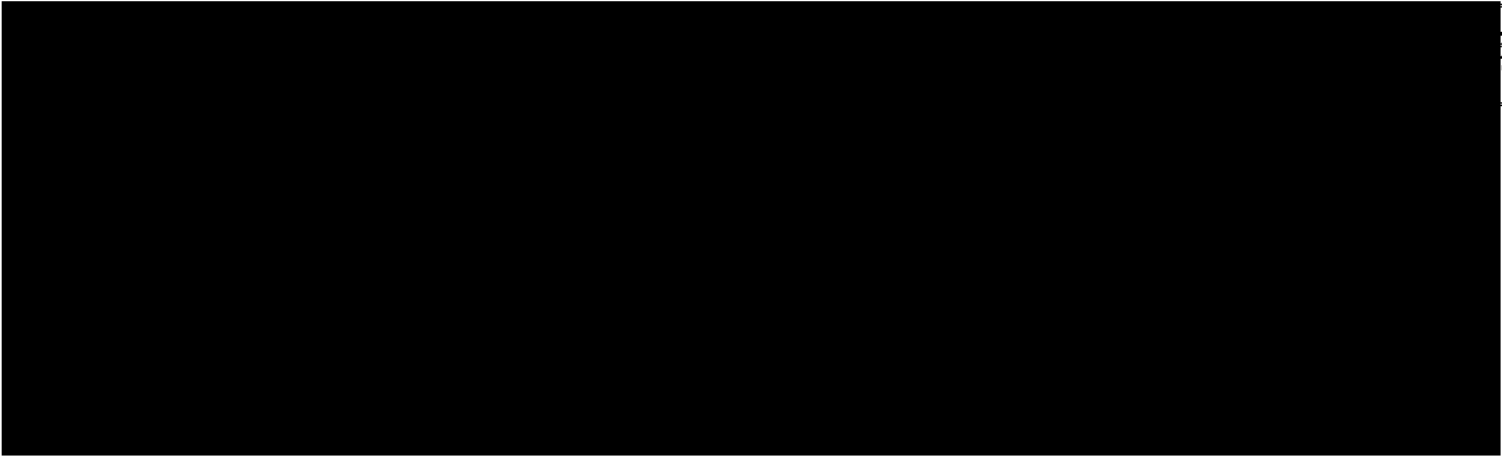
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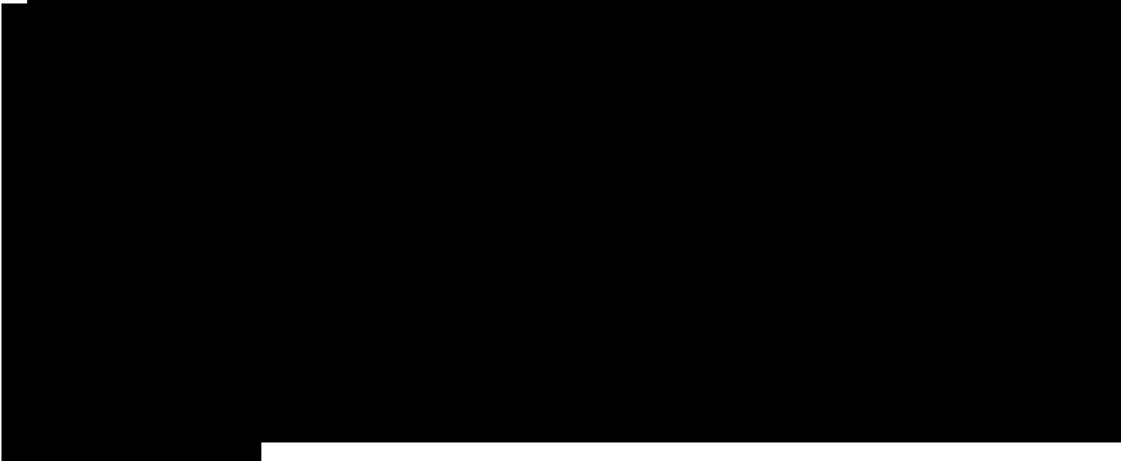
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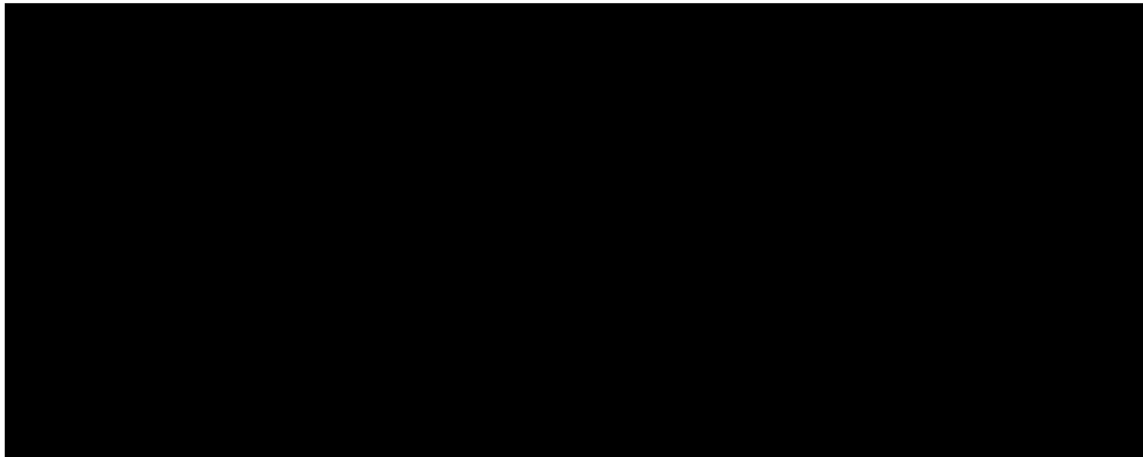
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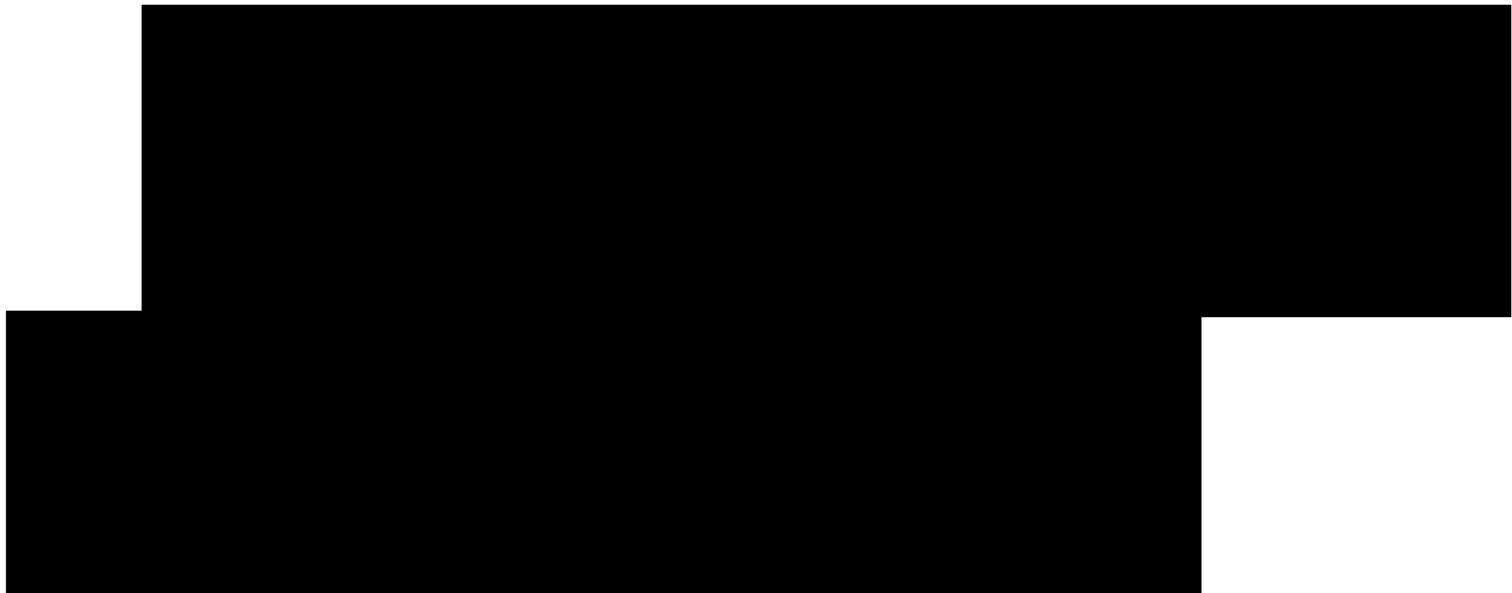
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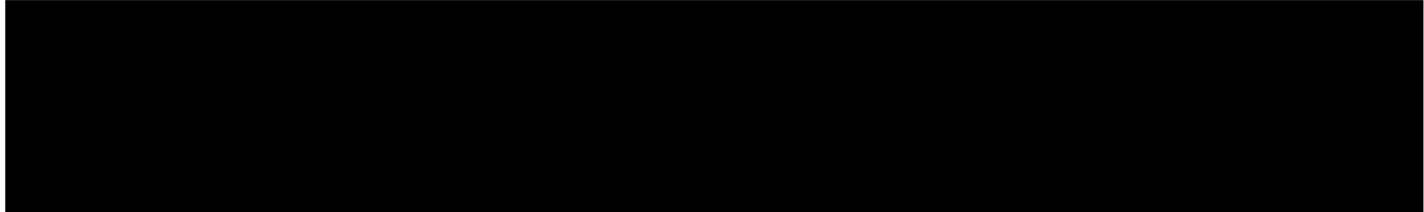
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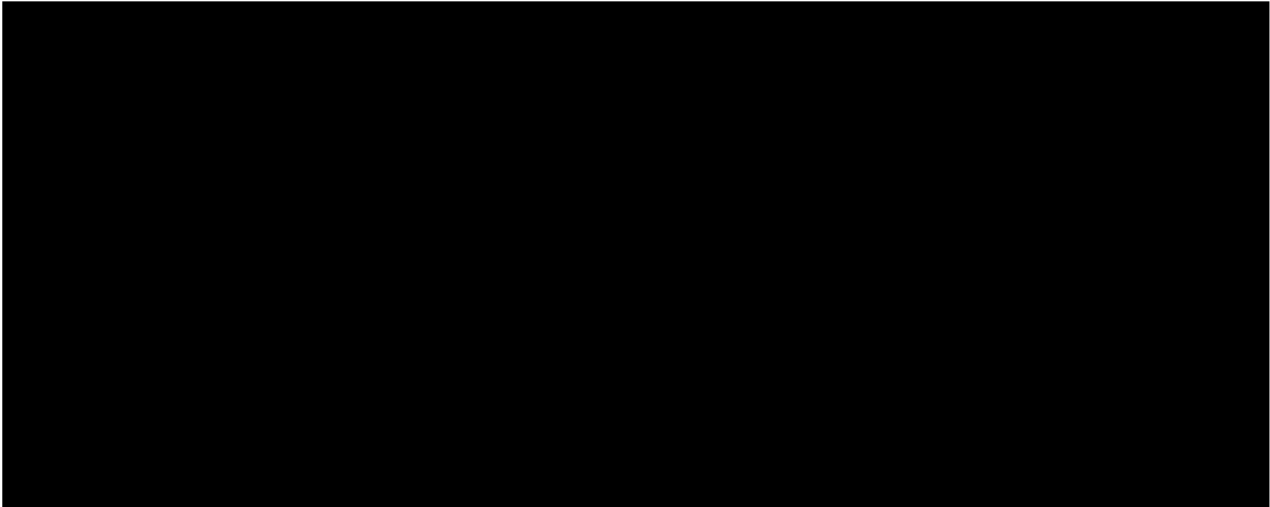
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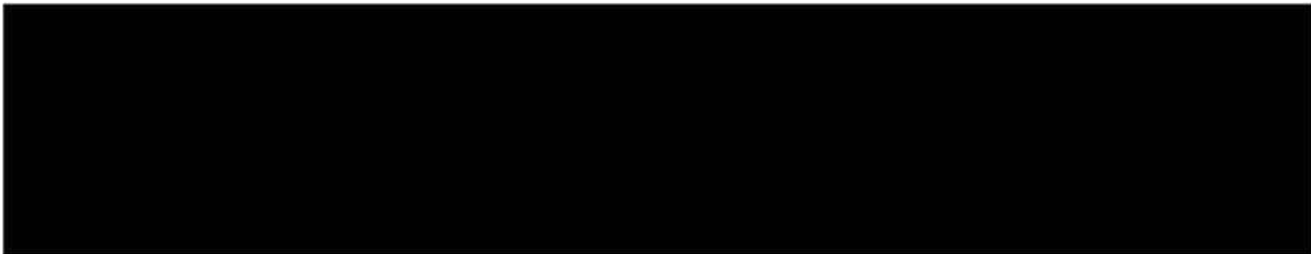
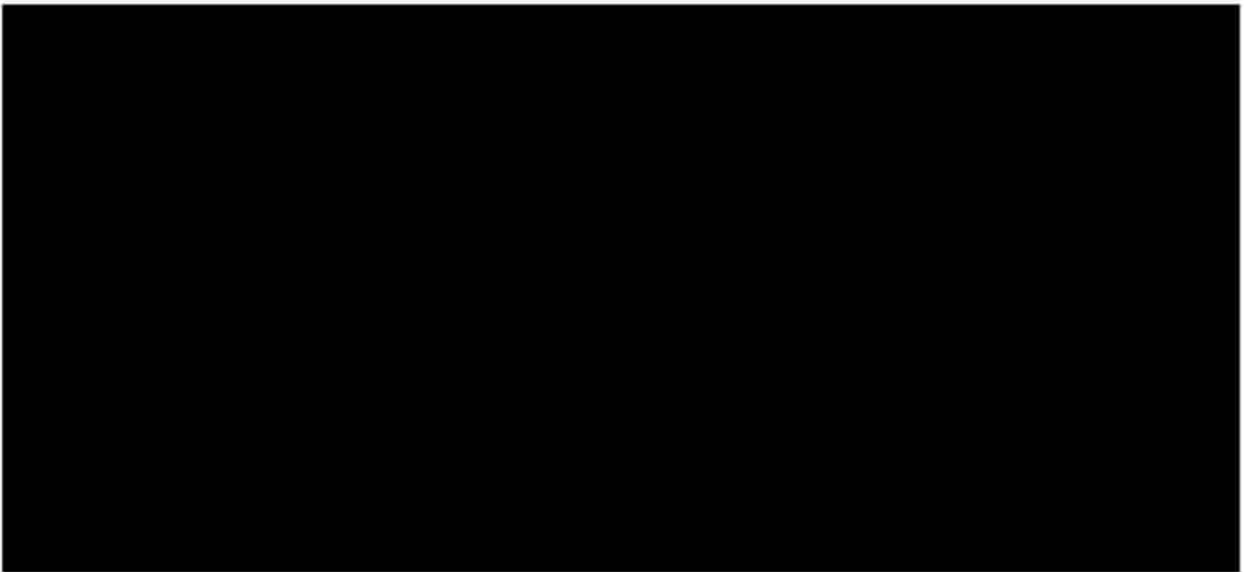
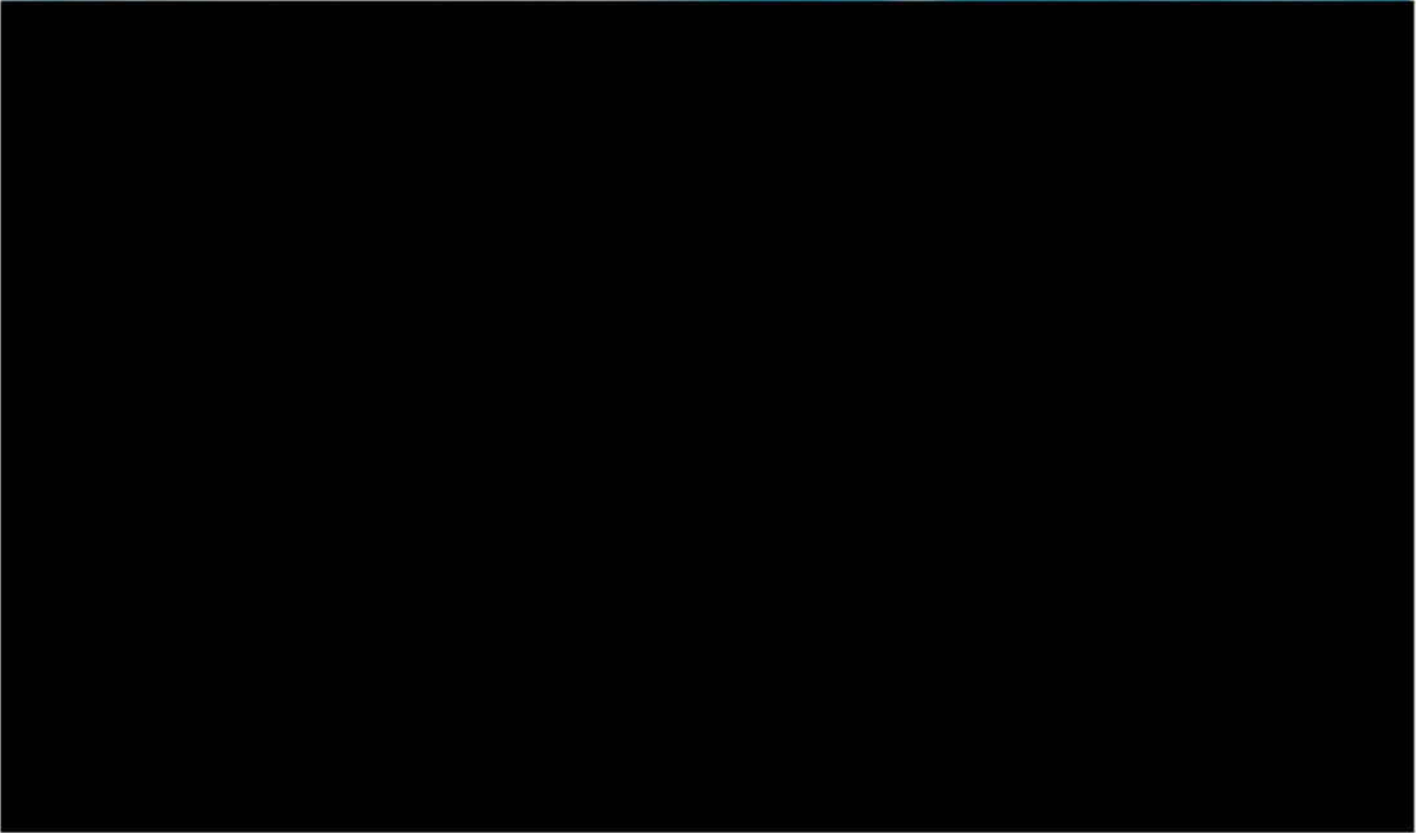
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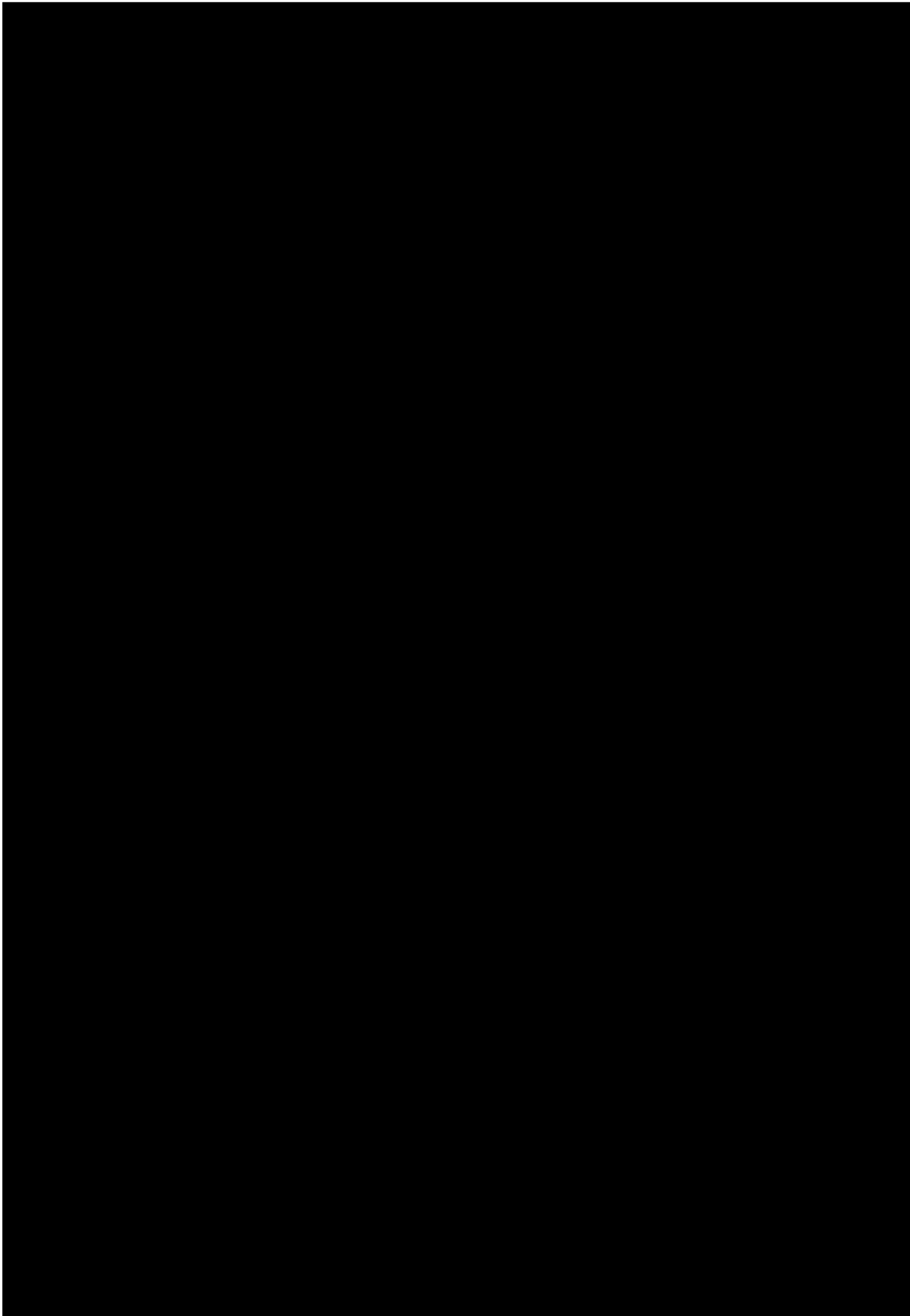
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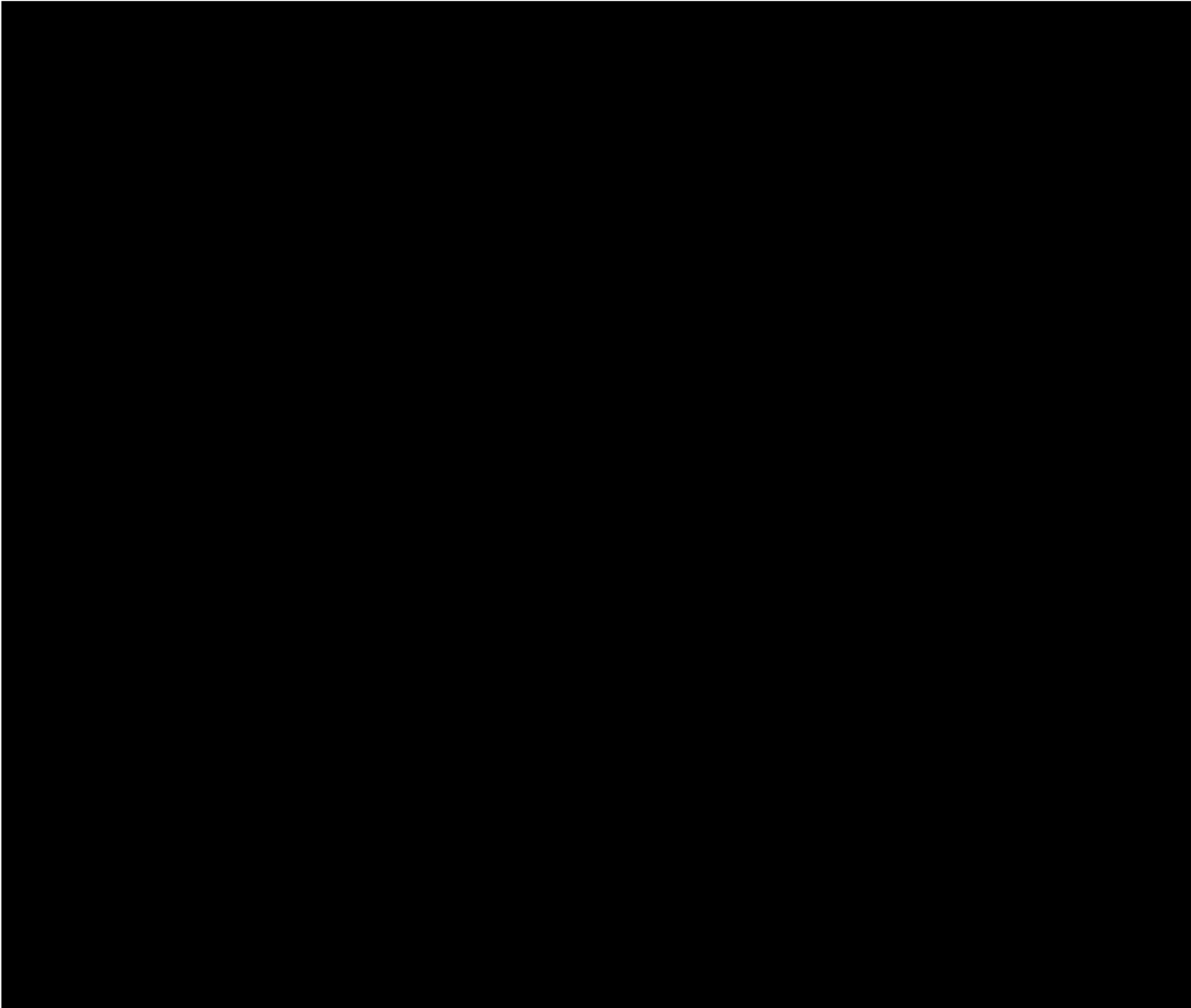
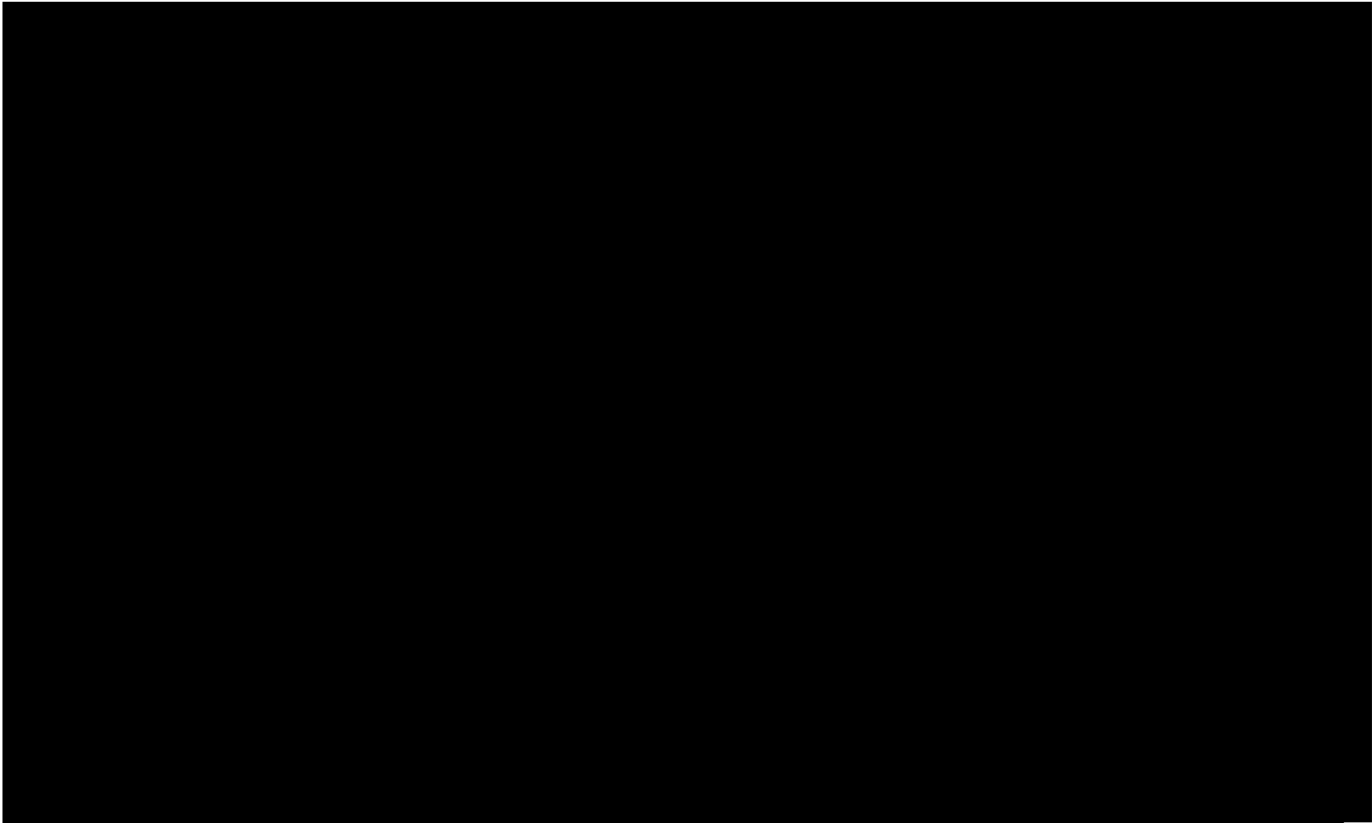


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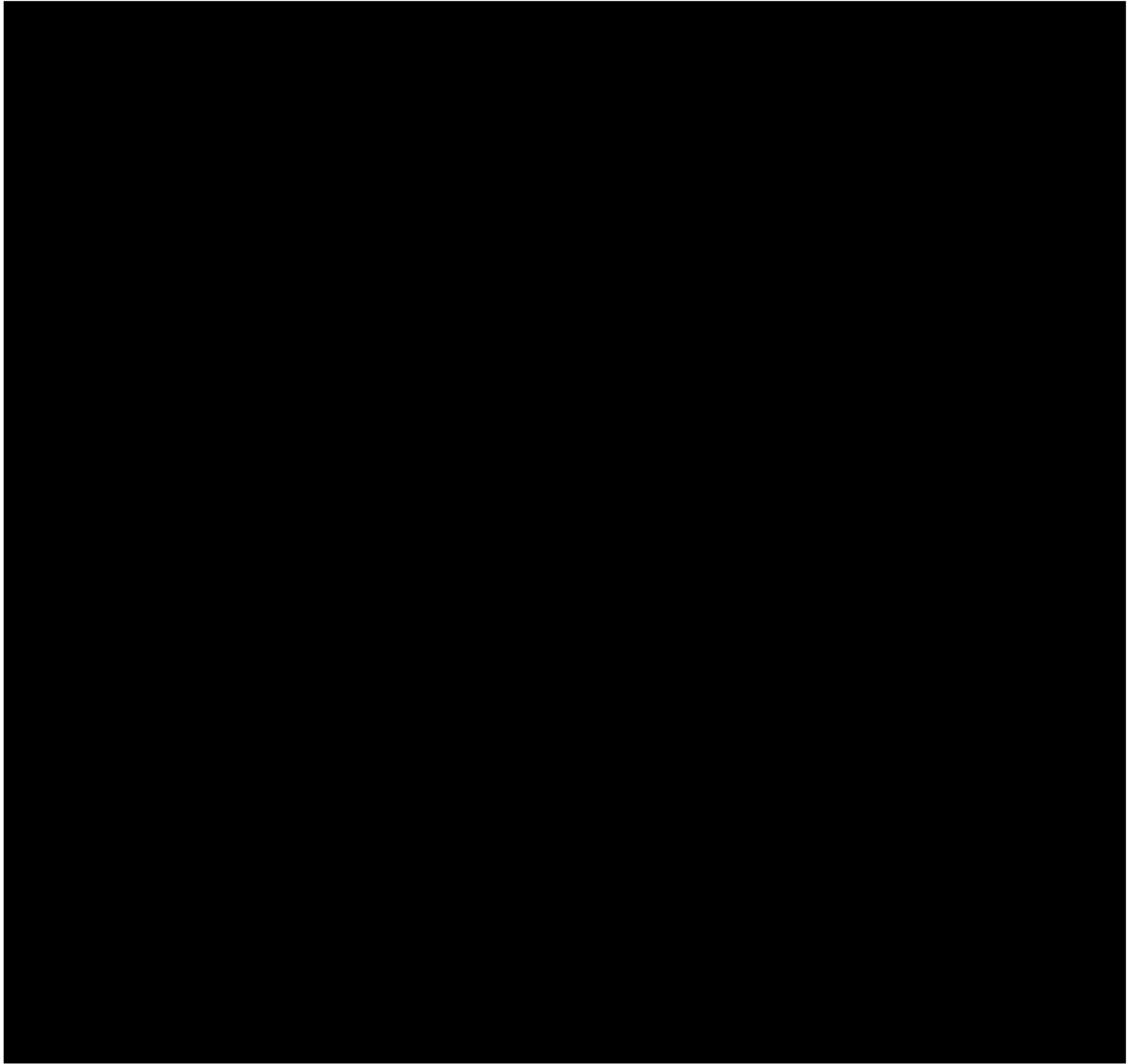


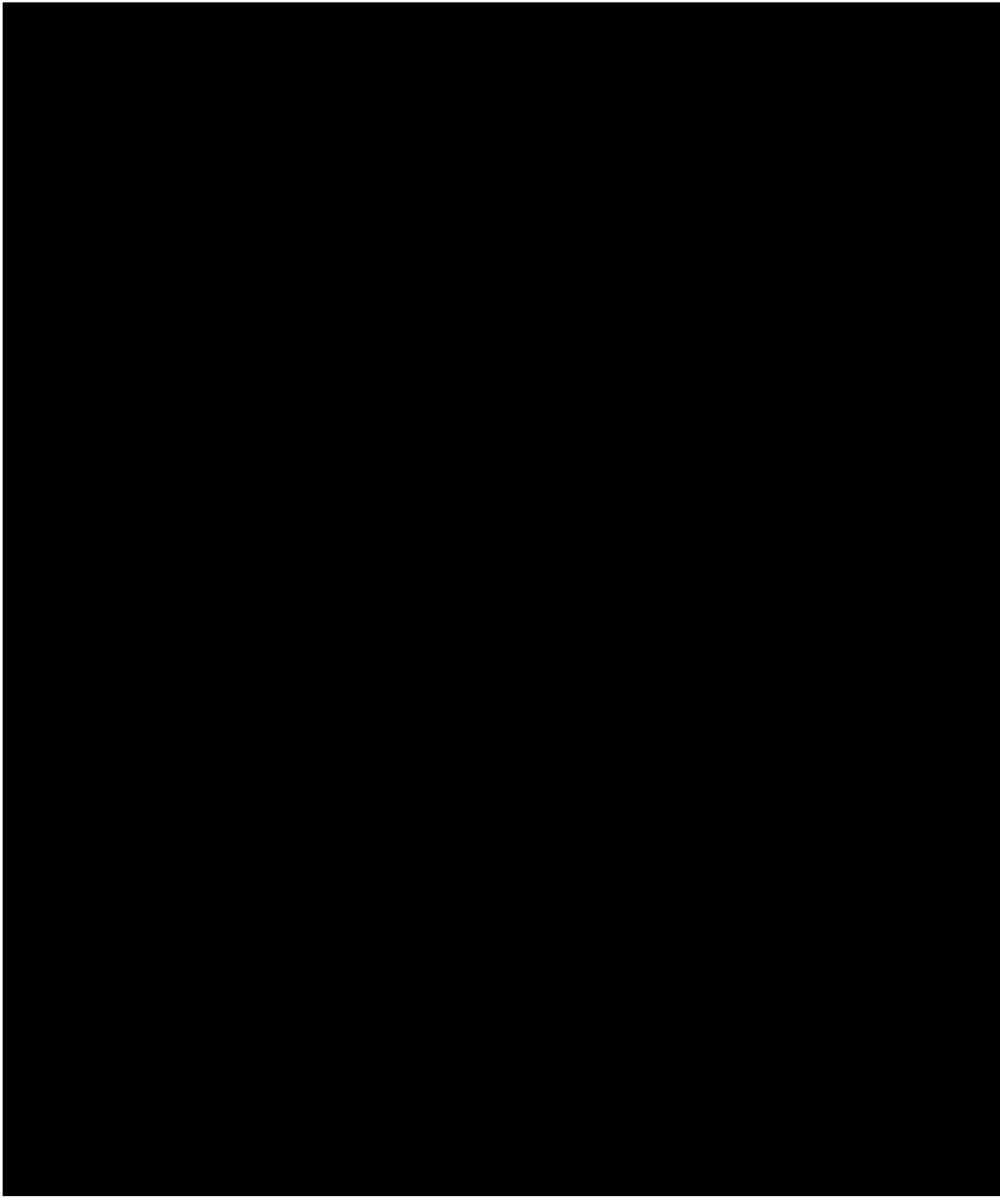
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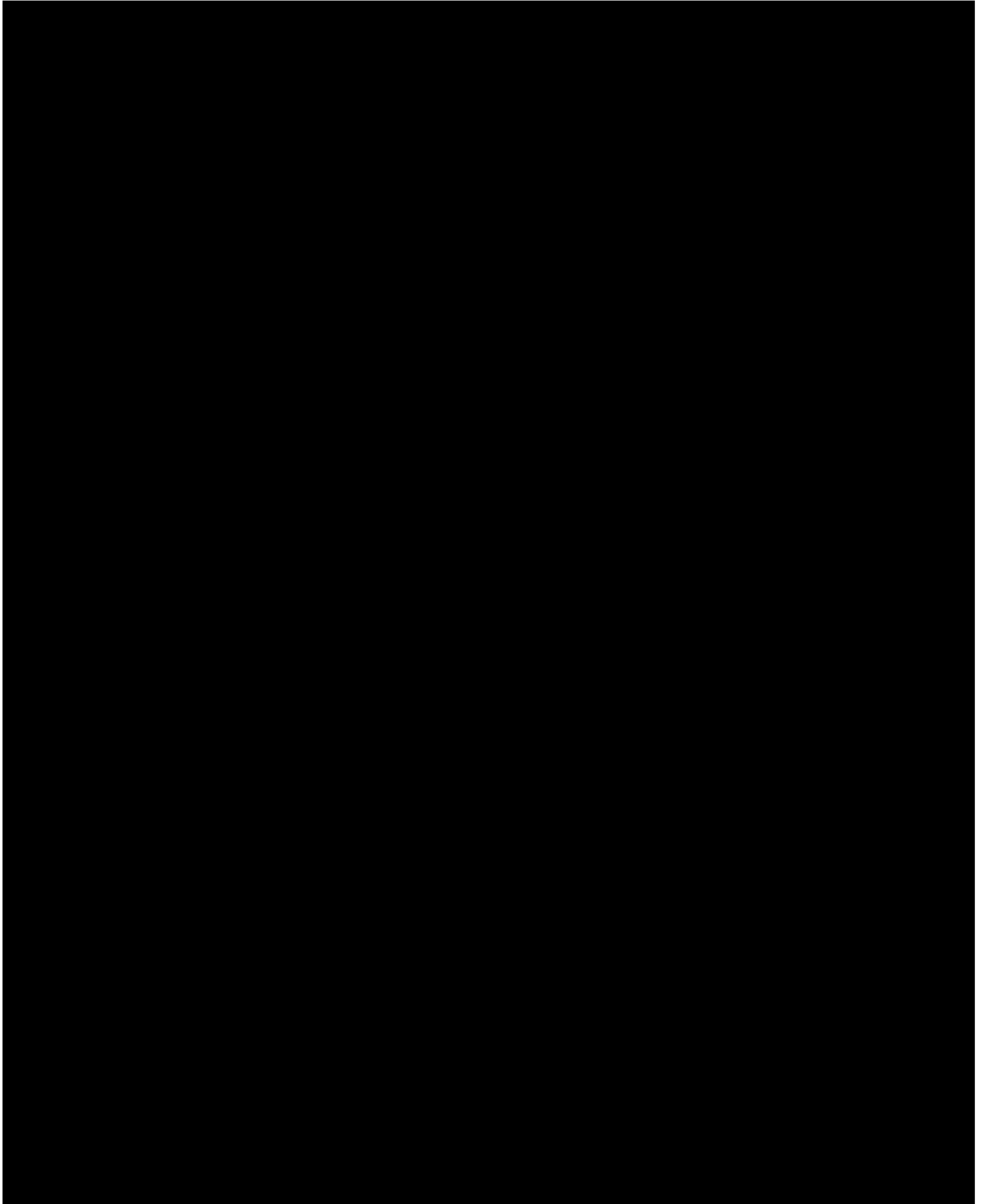


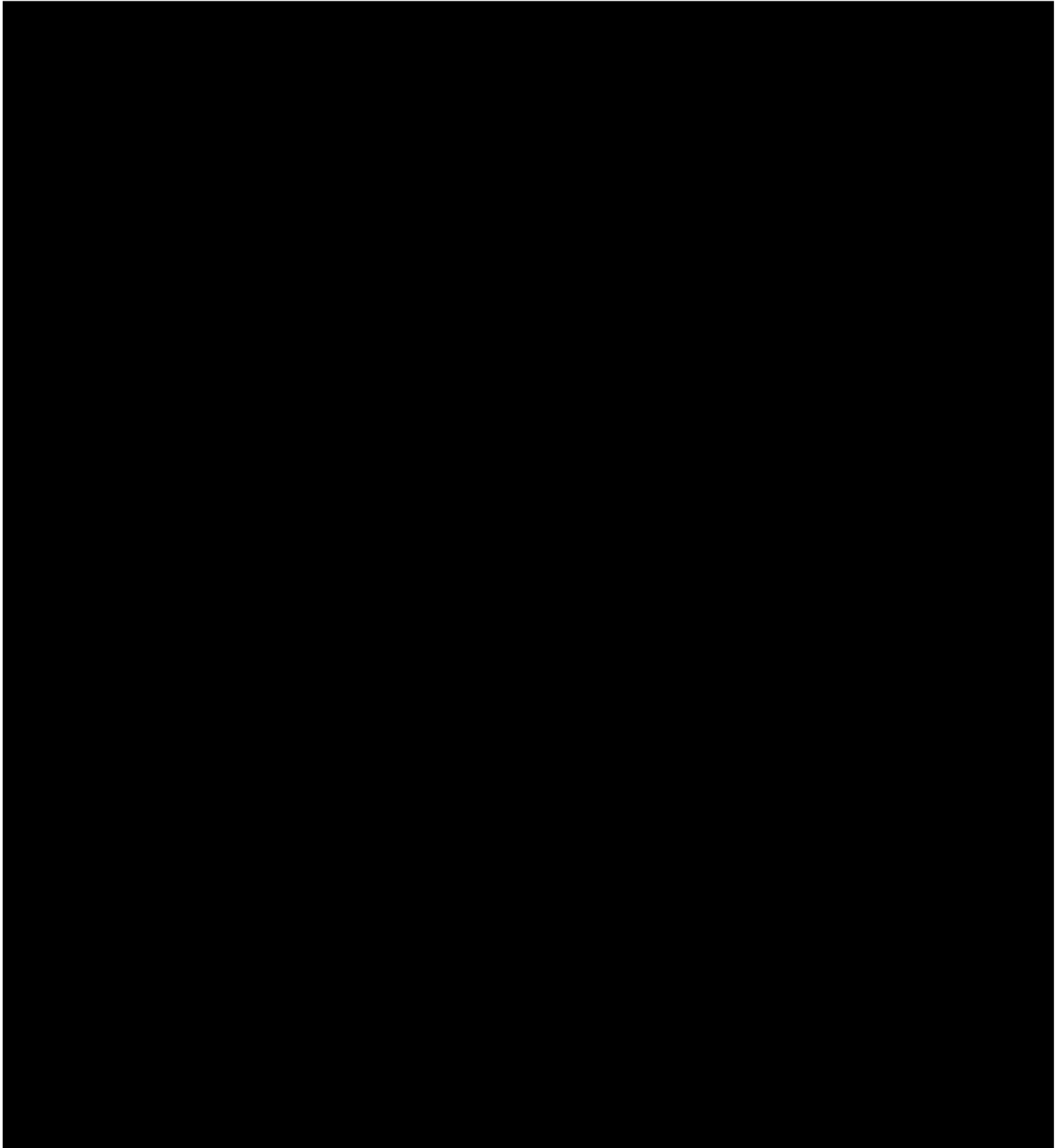


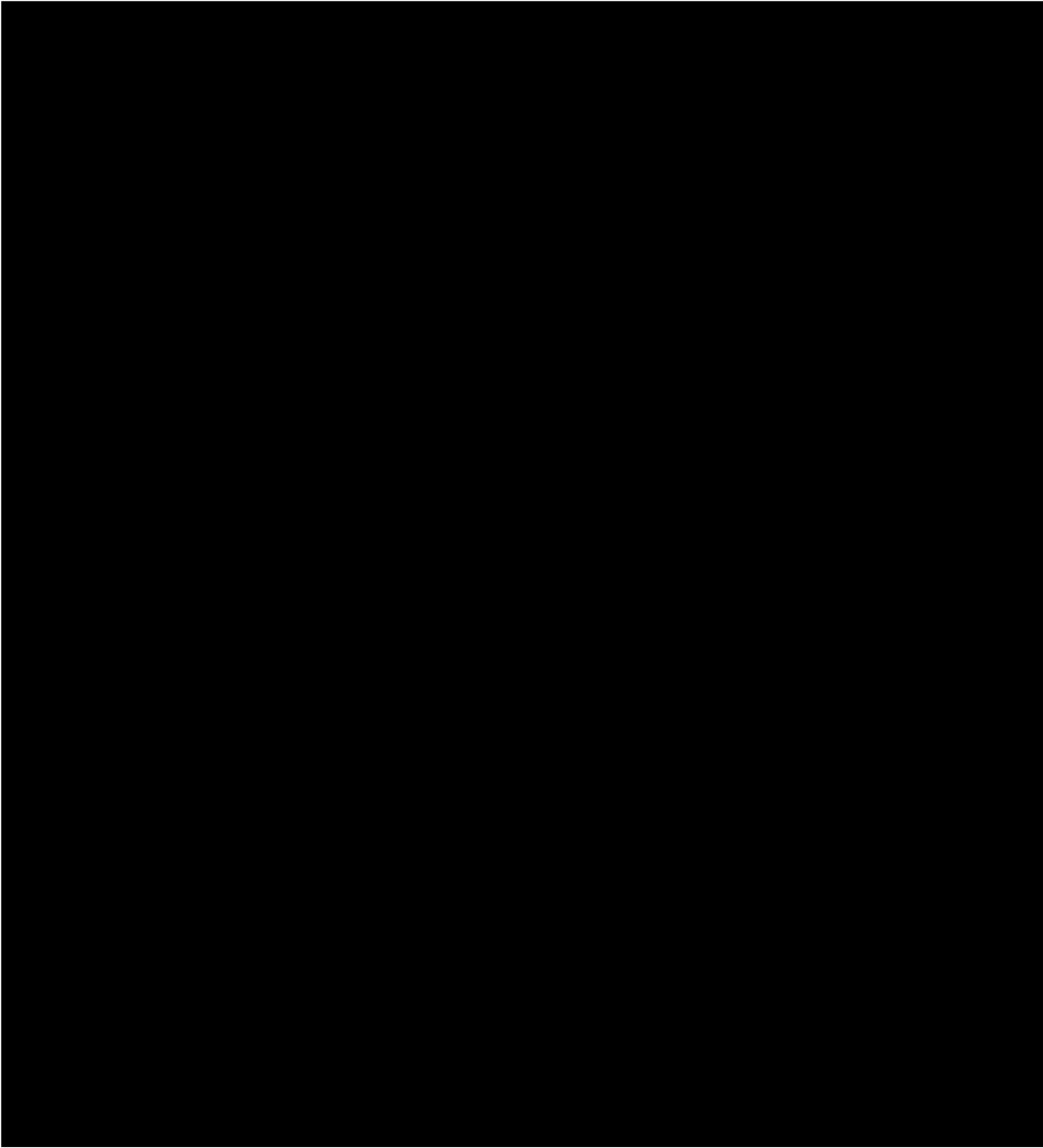
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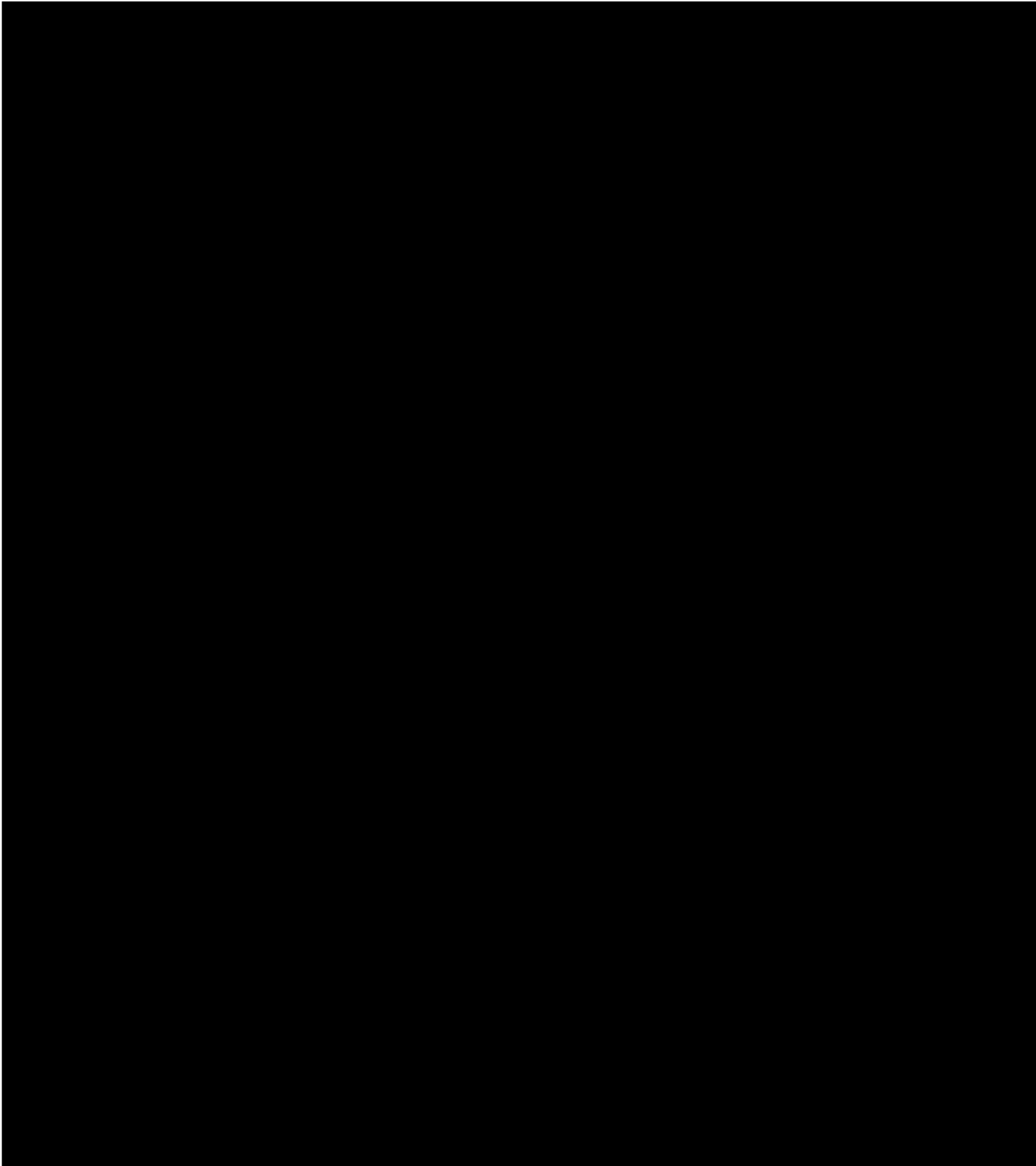


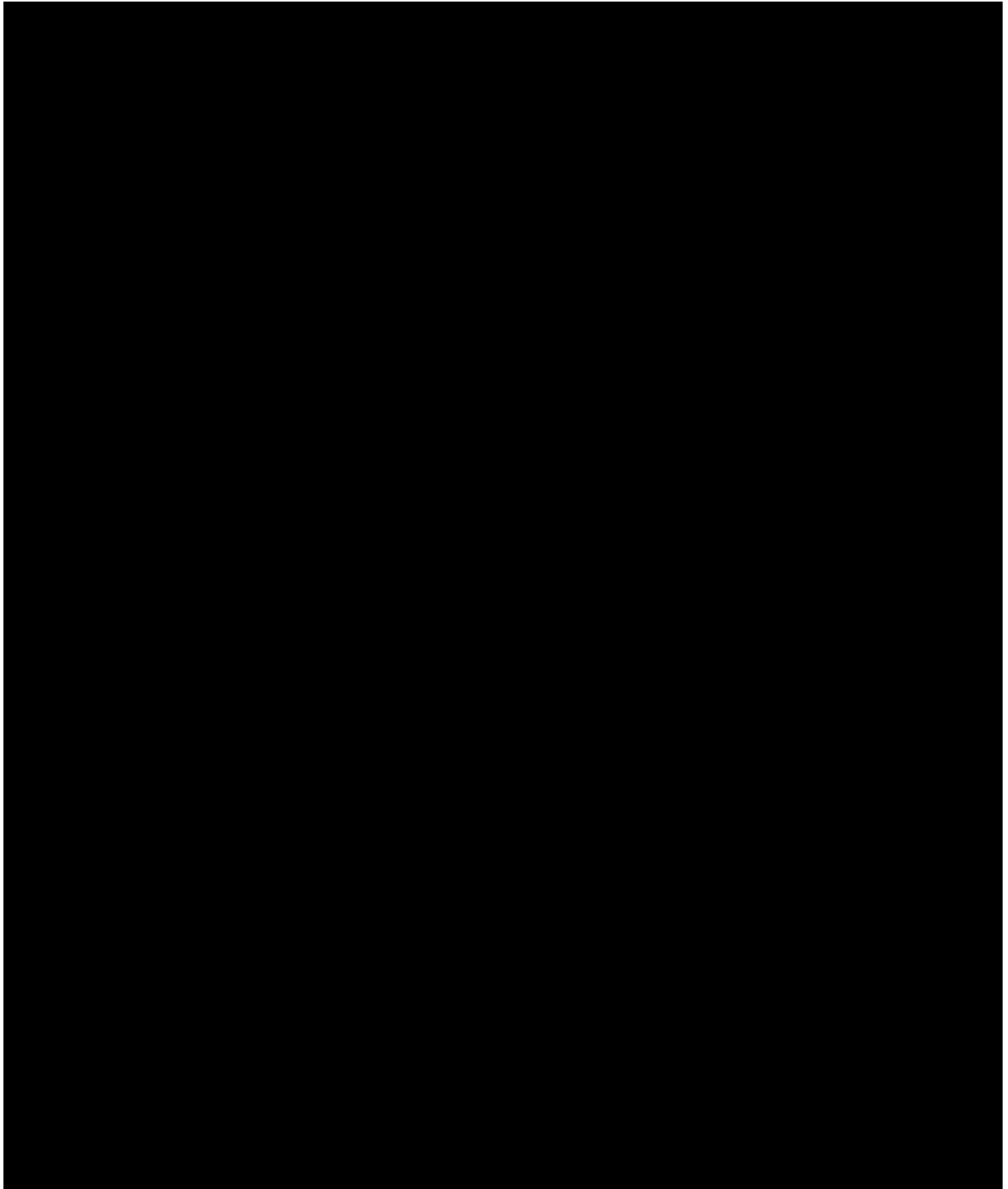


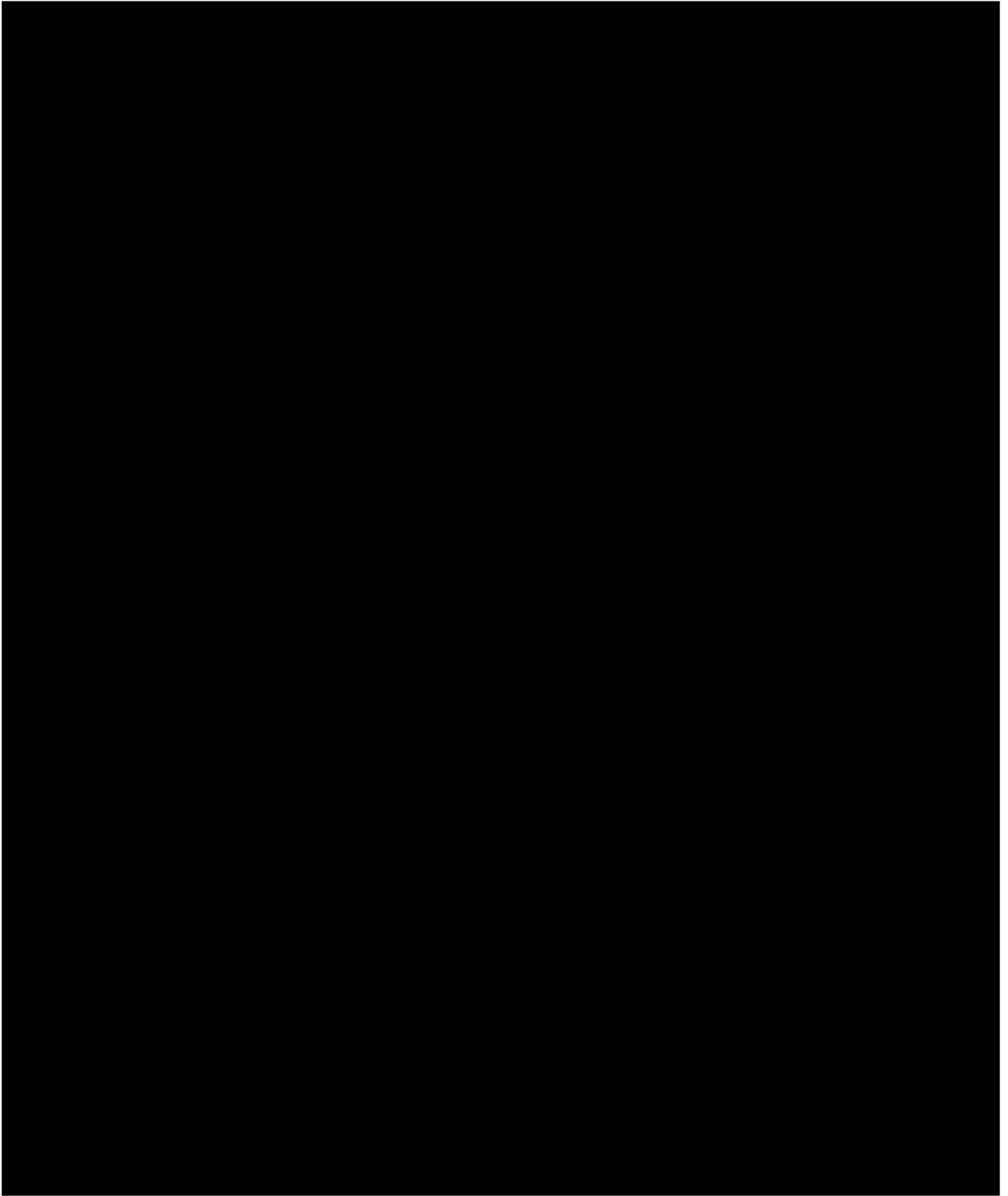


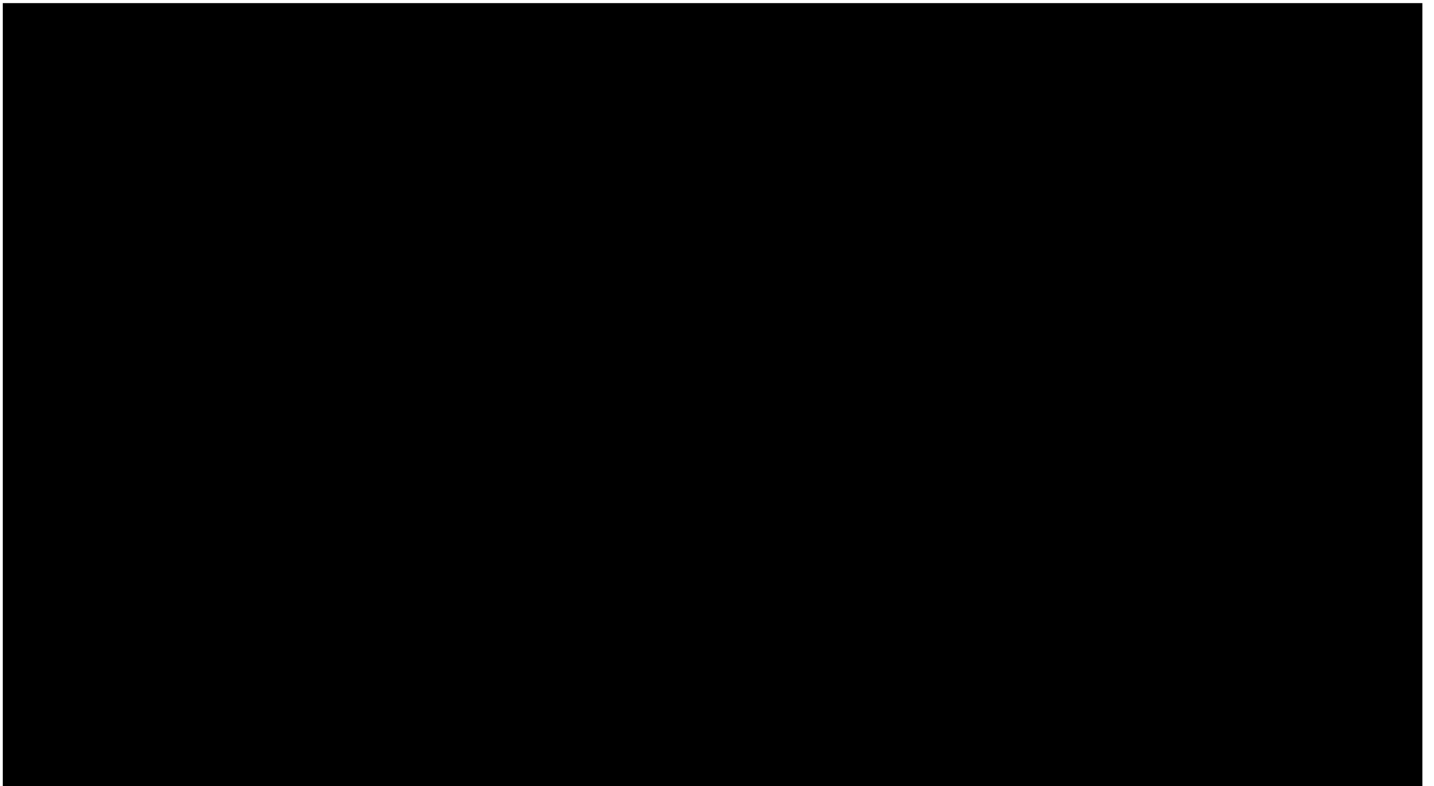




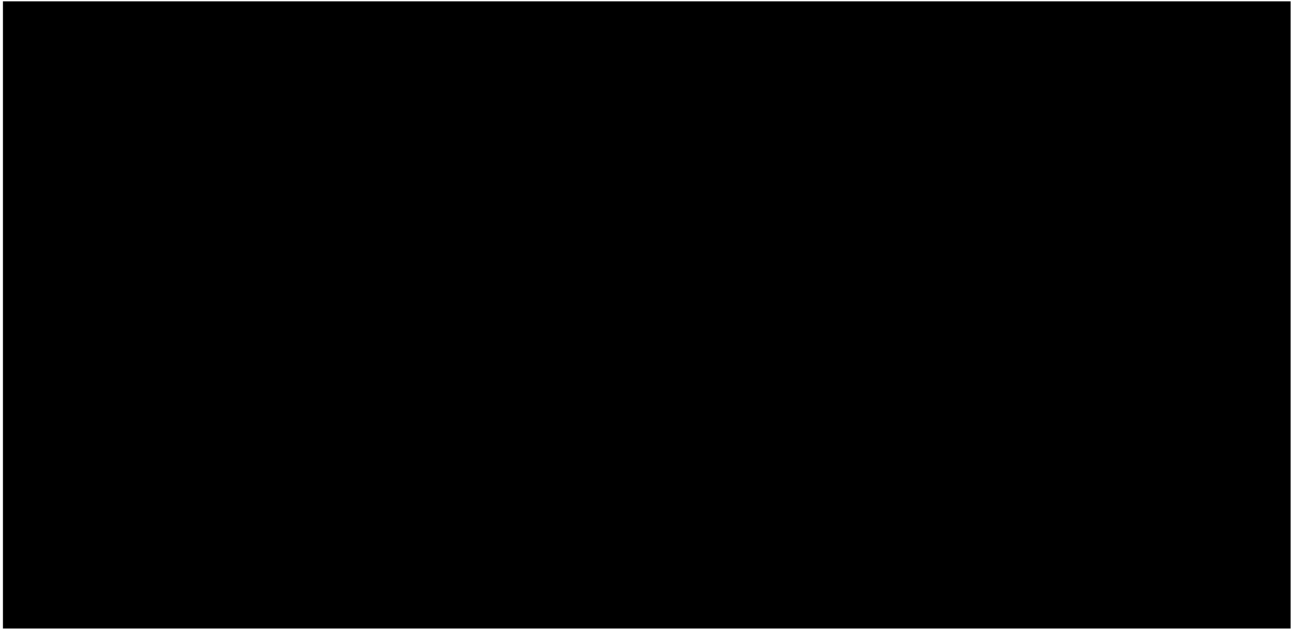








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Hoda, Jessie

From: Nicholas Wright <nwright@Dauntless-Energy.com>
Sent: Monday, March 31, 2025 10:38 AM
To: Allan Glass
Cc: Dan Fallon
Subject: [EXTERNAL EMAIL]: FW: Completed: RFI - 2025 NOGRR245 - IBRR for GALLOWAY_SOLAR1
Attachments: ERCOT_NOGRR245.docx.pdf; Galloway FRT graph.pdf; Initial_FRT_Capability_Report_Galloway Extension Statement.pdf; Galloway VRT.pdf; VRT Extention Galloway.pdf; Initial_FRT_Capability_Report_Galloway Extension Statement.pdf; VRT Extention Galloway.pdf

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Thank you for the assistance on this!

From: DocuSign NA4 System <dse_NA4@docusign.net>
Sent: Monday, March 31, 2025 11:33 AM
To: Nicholas Wright <nwright@Dauntless-Energy.com>
Subject: Completed: RFI - 2025 NOGRR245 - IBRR for GALLOWAY_SOLAR1

**** Caution: External Sender ****





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ERCOT
docusign@ercot.com

All parties have completed RFI - 2025 NOGRR245 - IBRR for GALLOWAY_SOLAR1.

Please populate the 2025 NOGRR245 - IBRR Questionnaire as requested for 225DD 8ME LLC (RE) - GALLOWAY_SOLAR1

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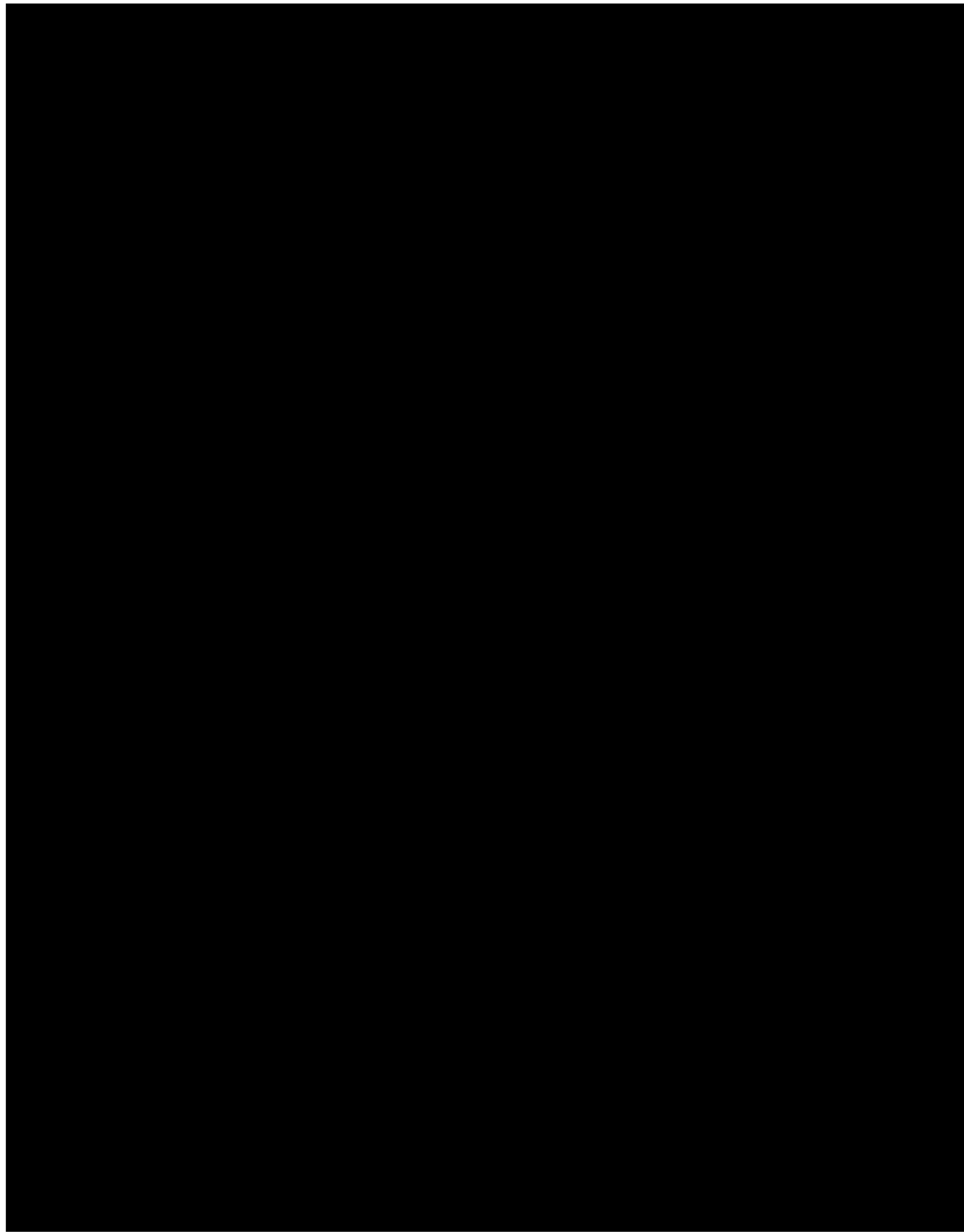
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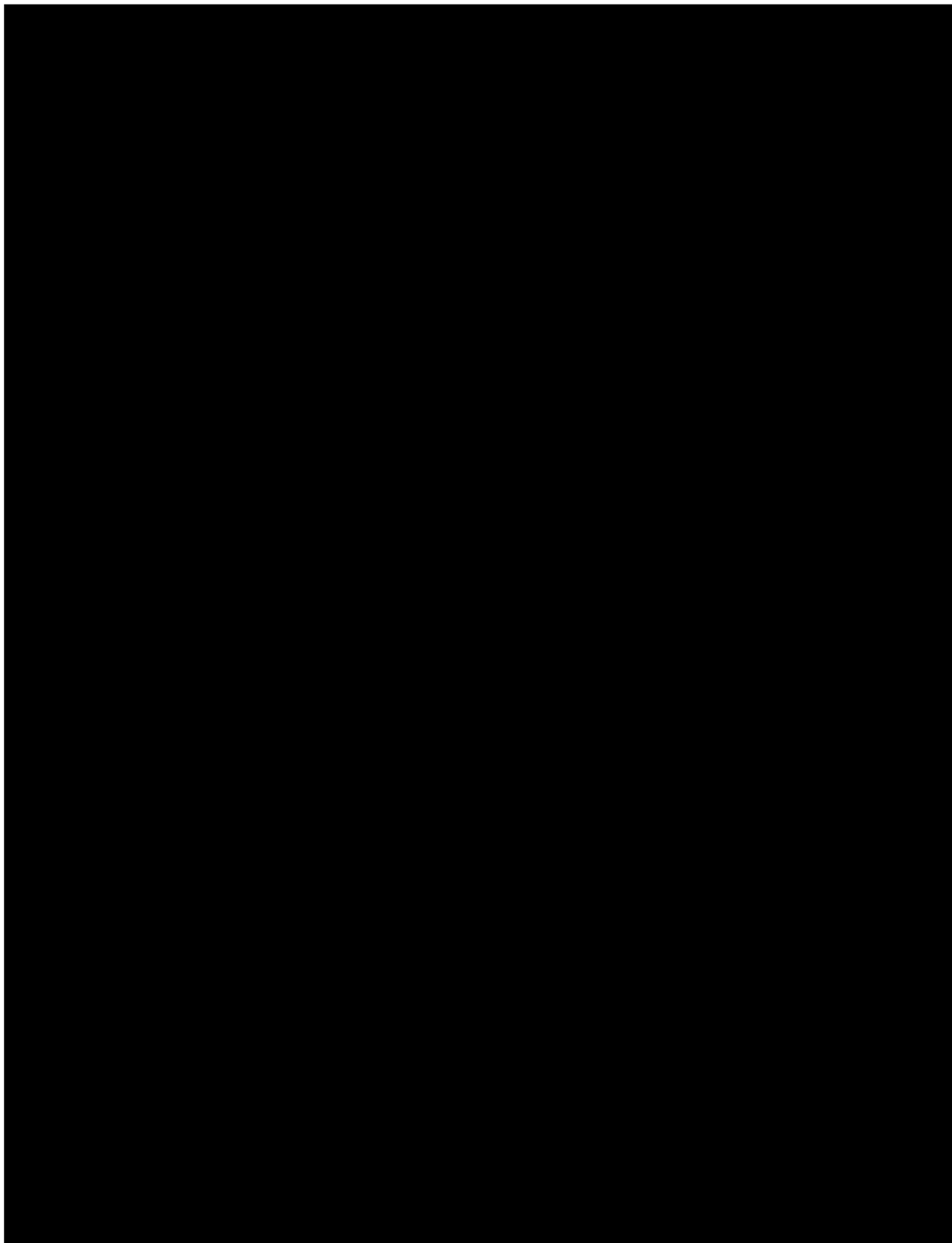
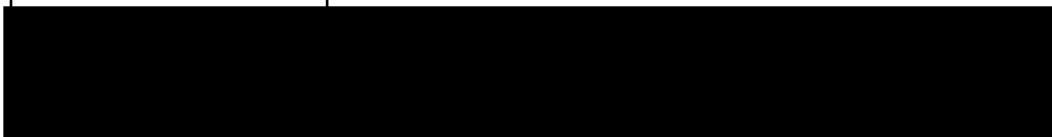


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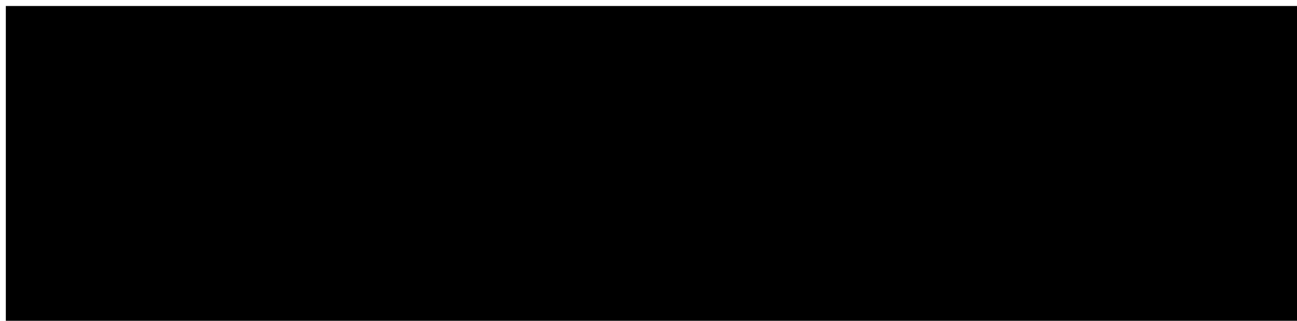
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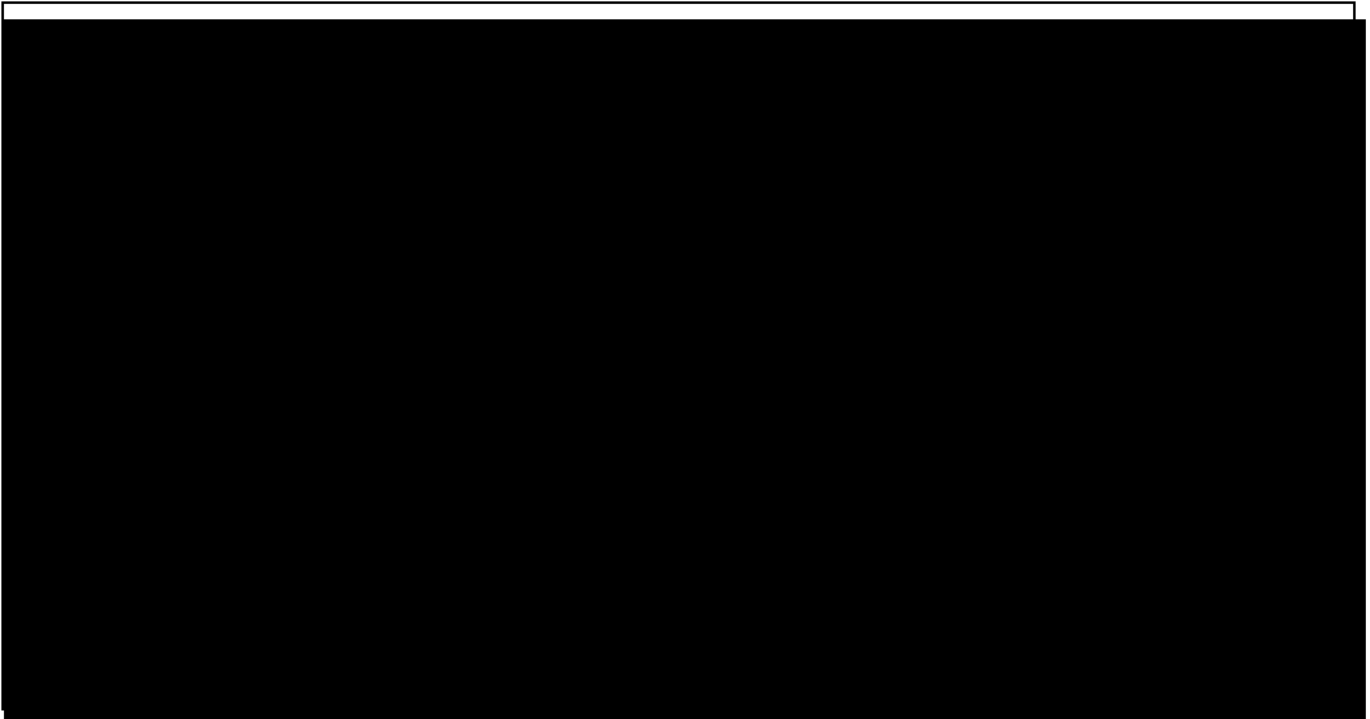
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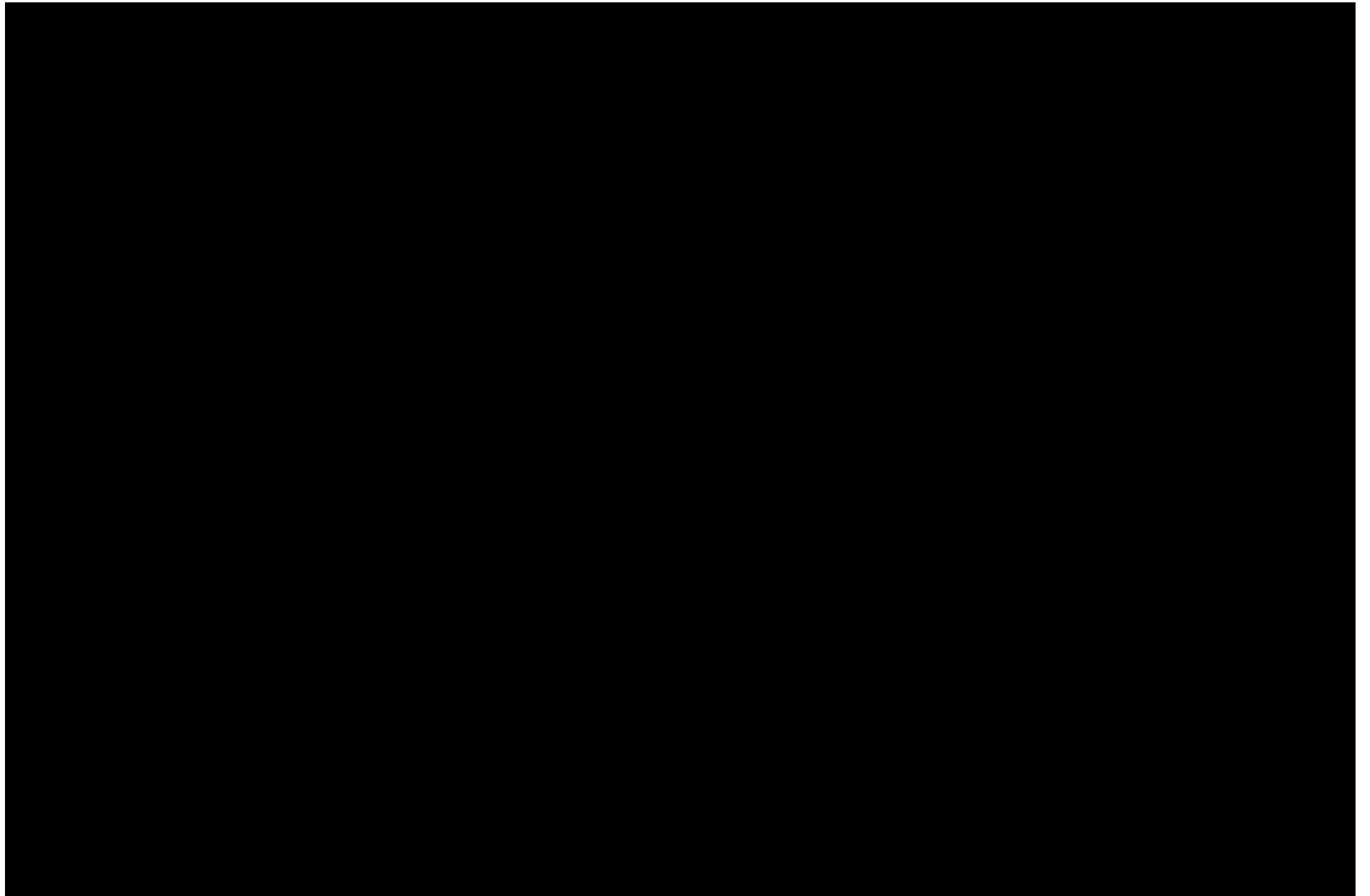


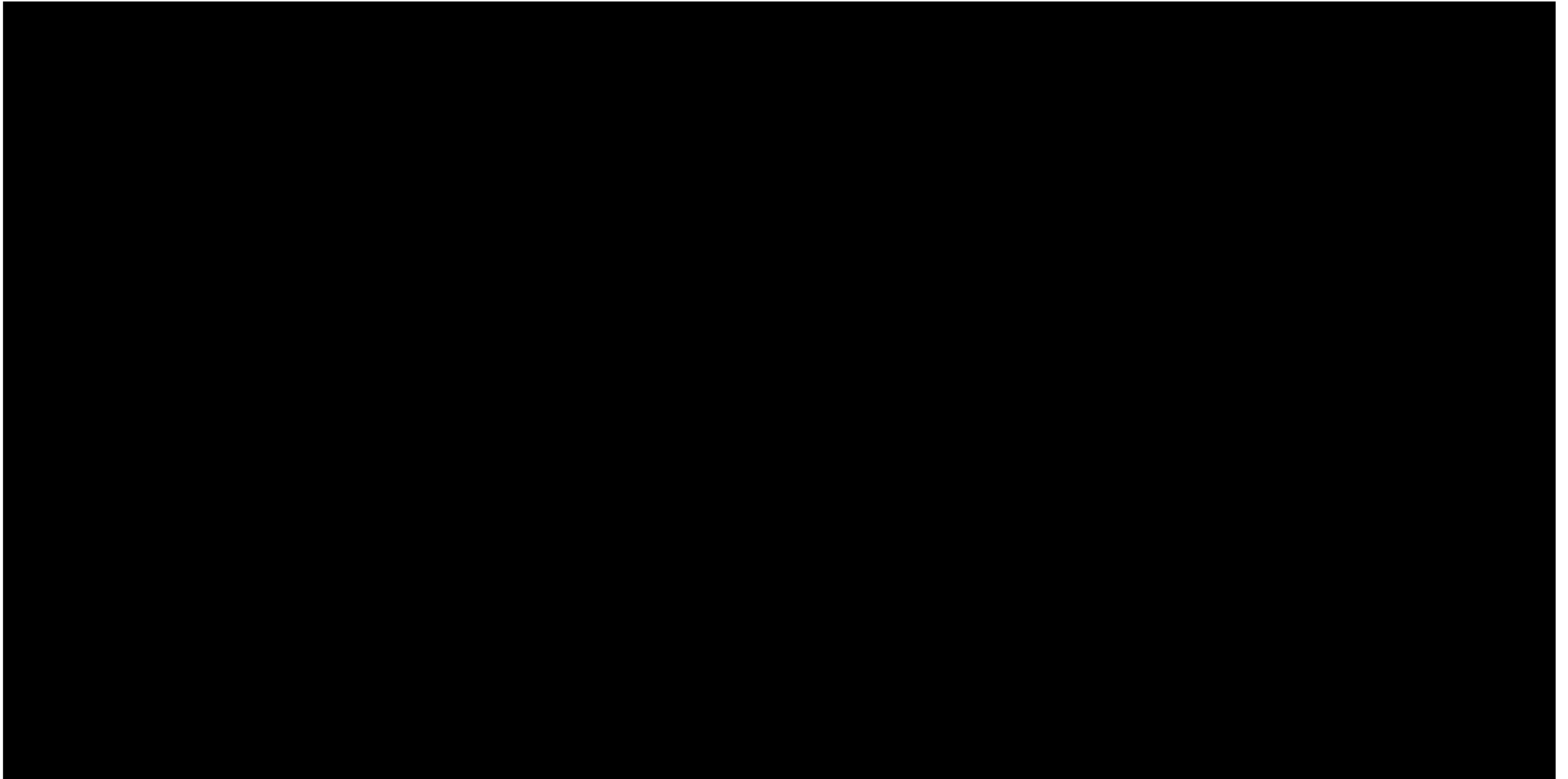
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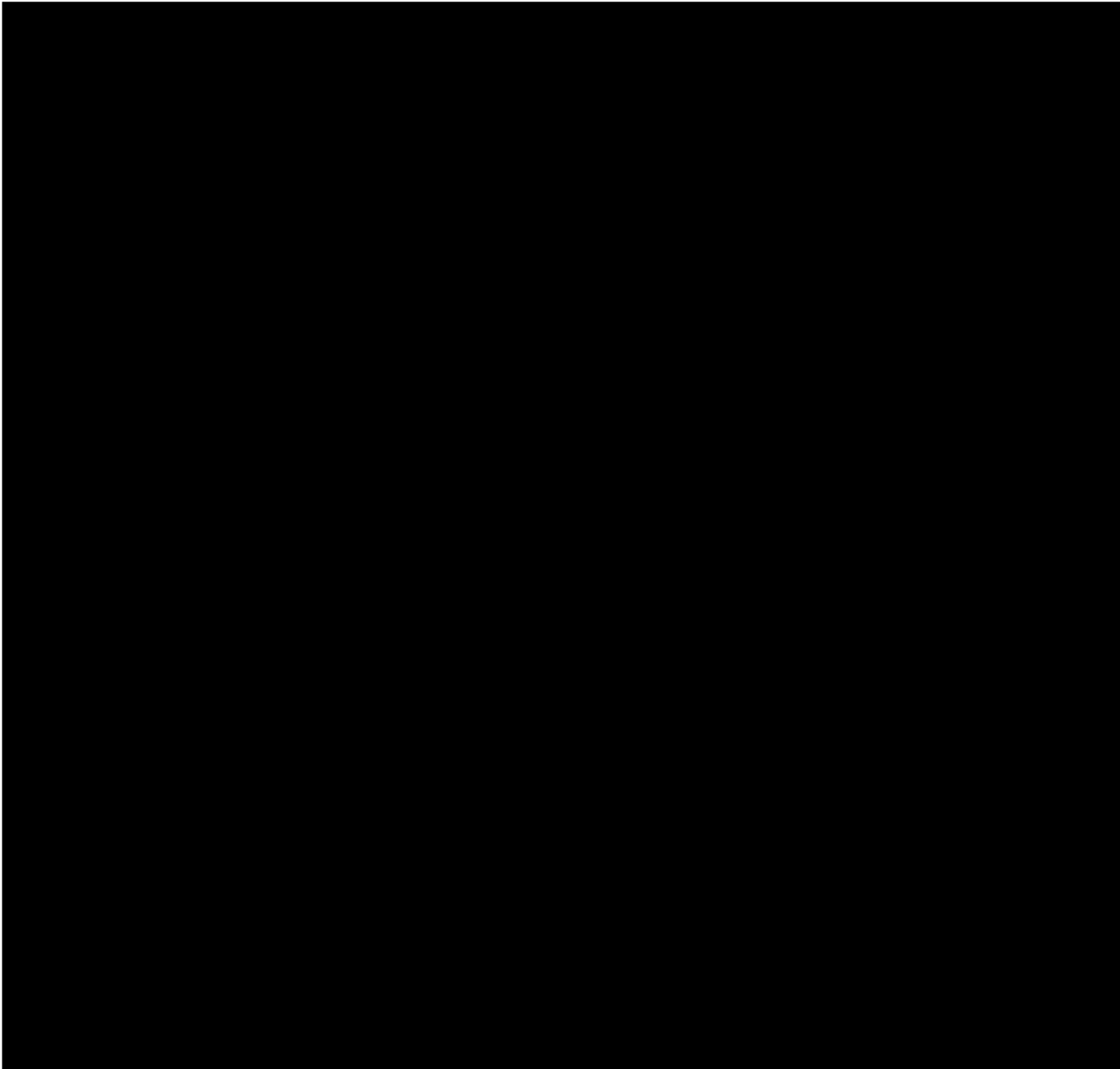














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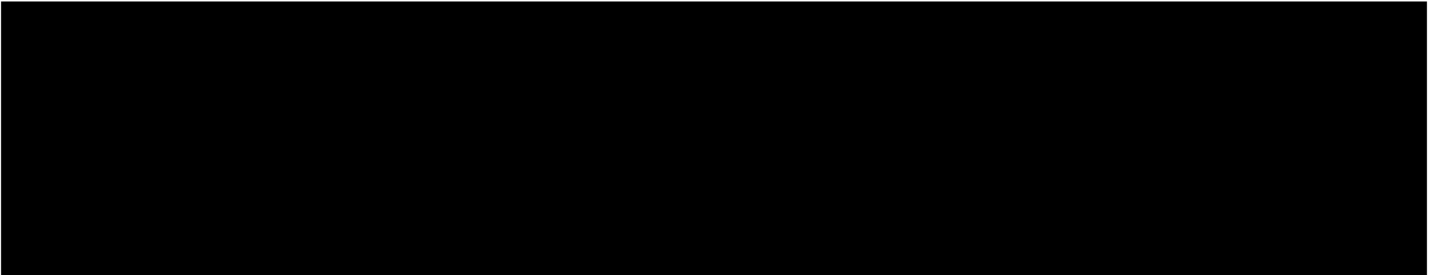
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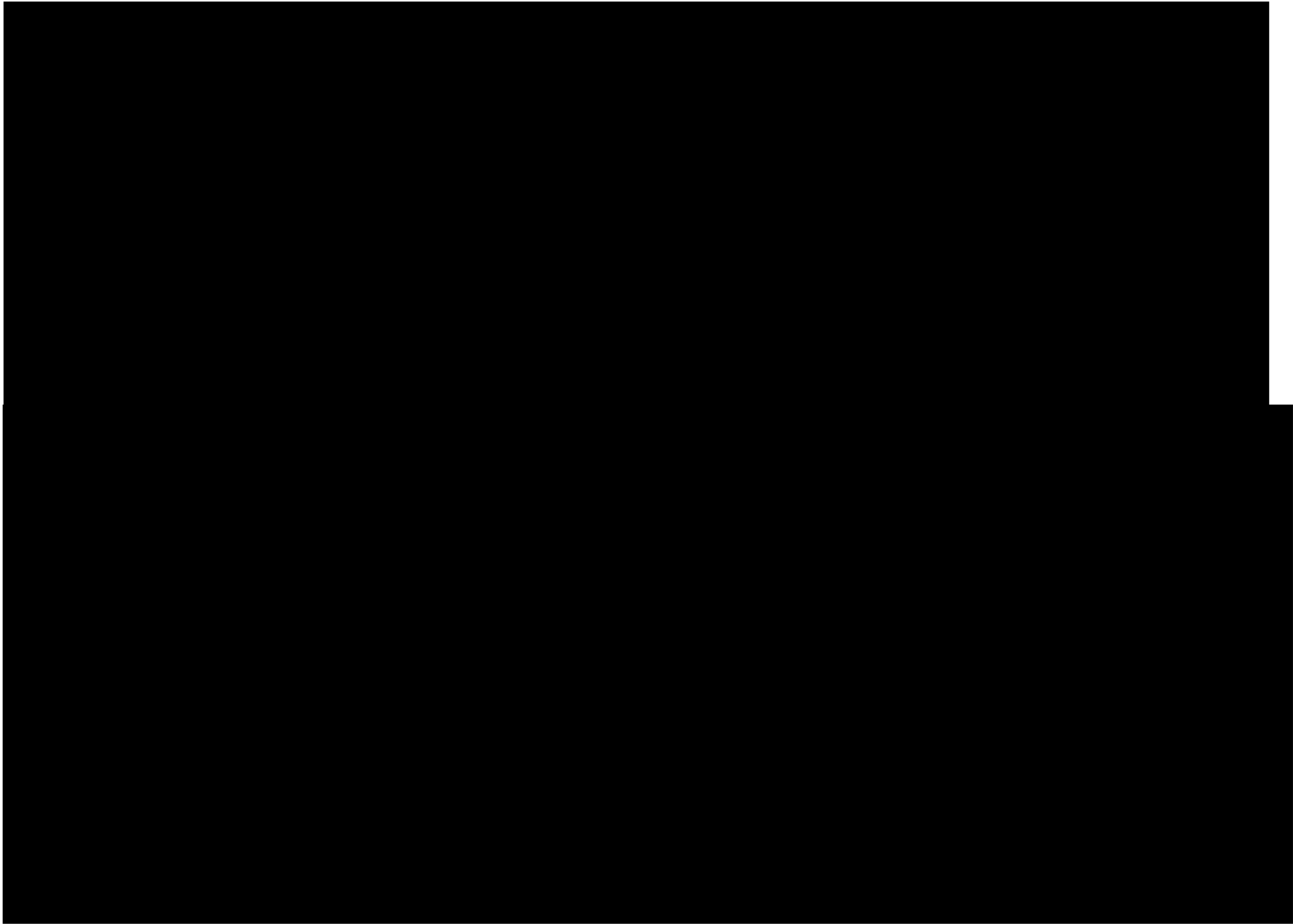
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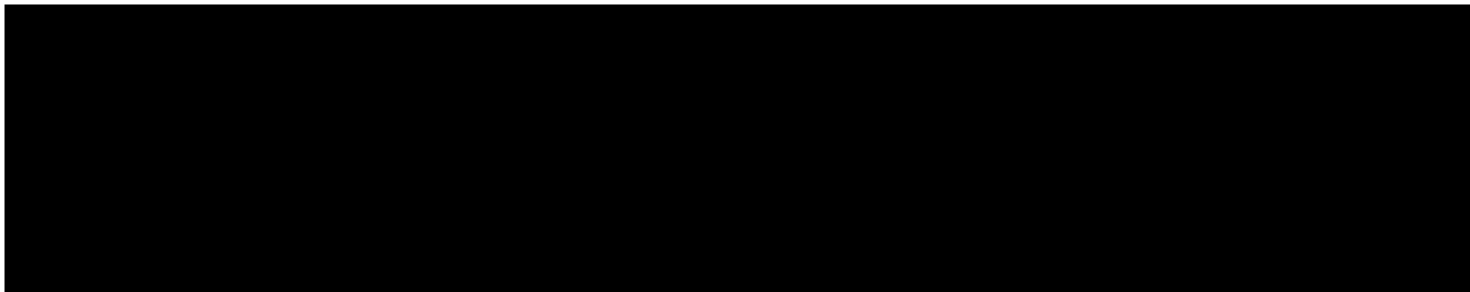
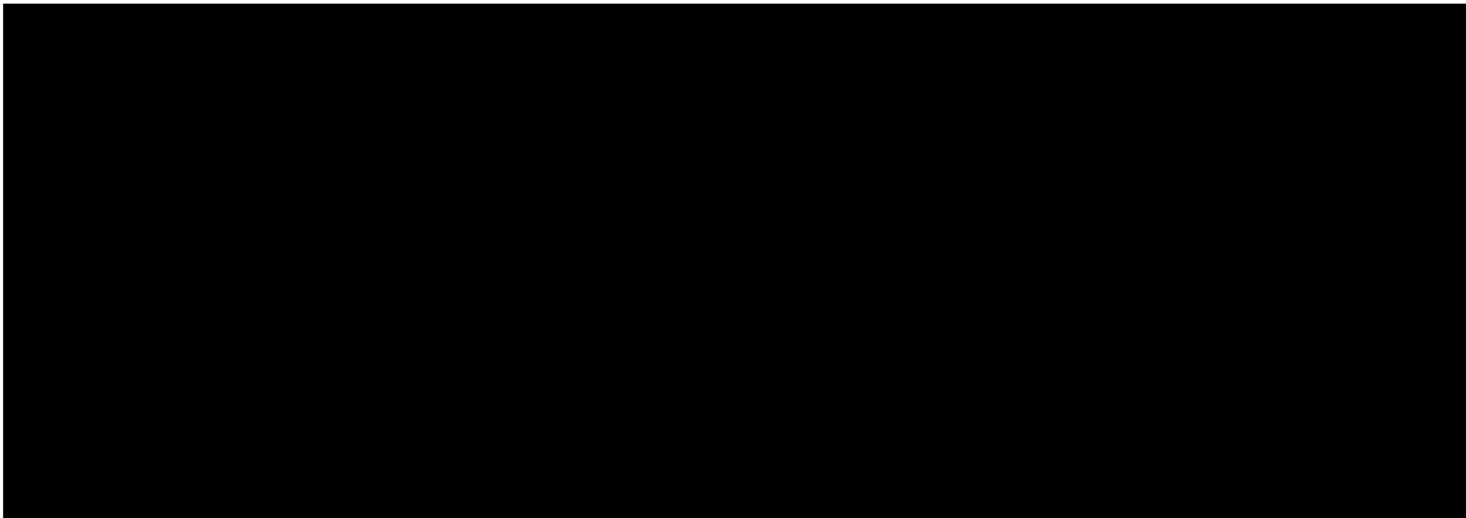
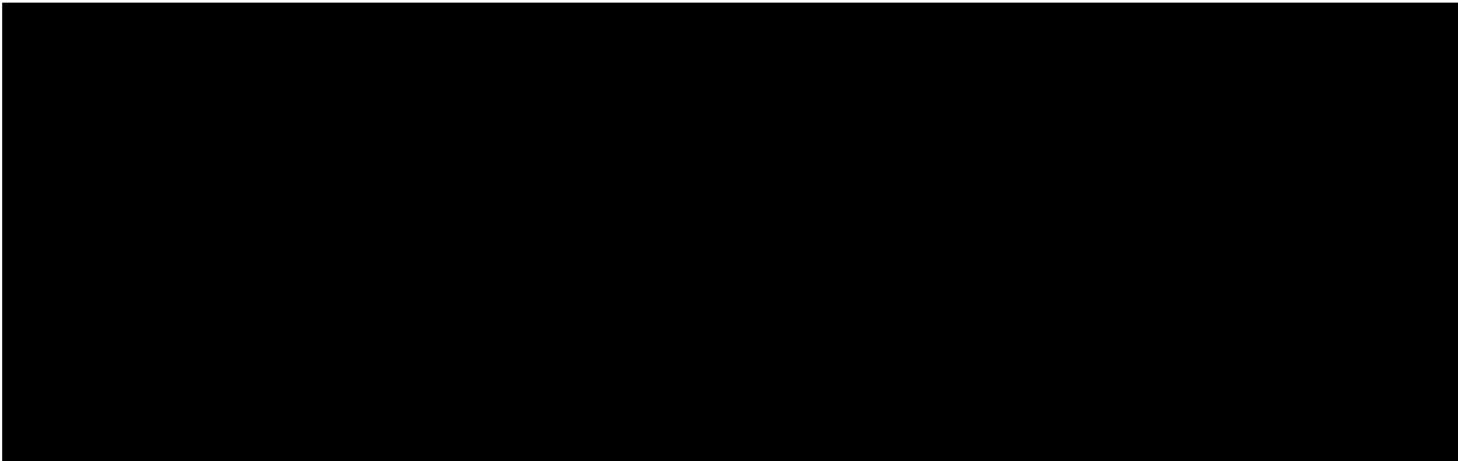
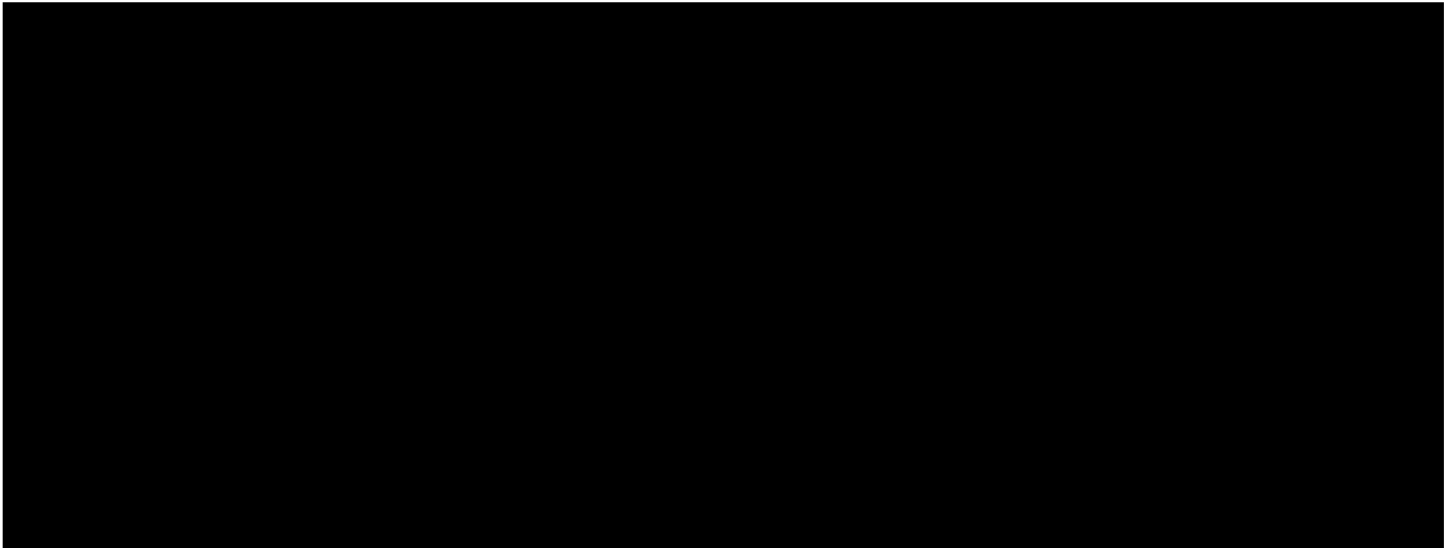
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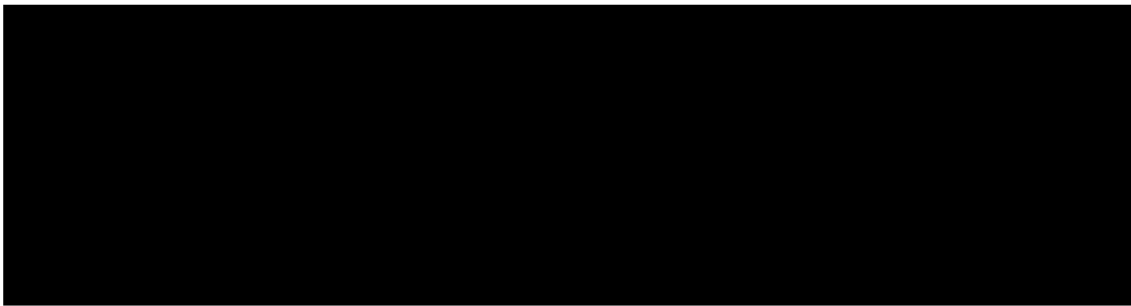
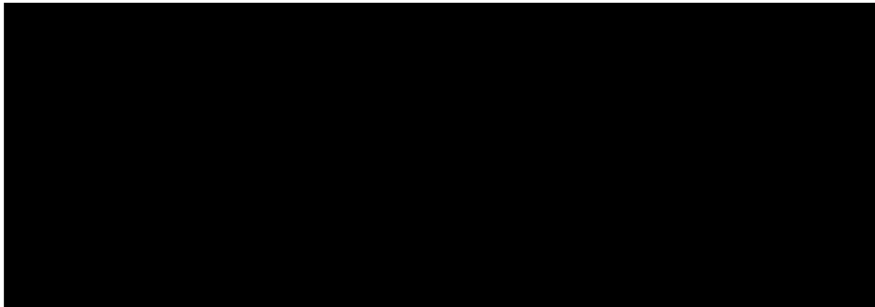
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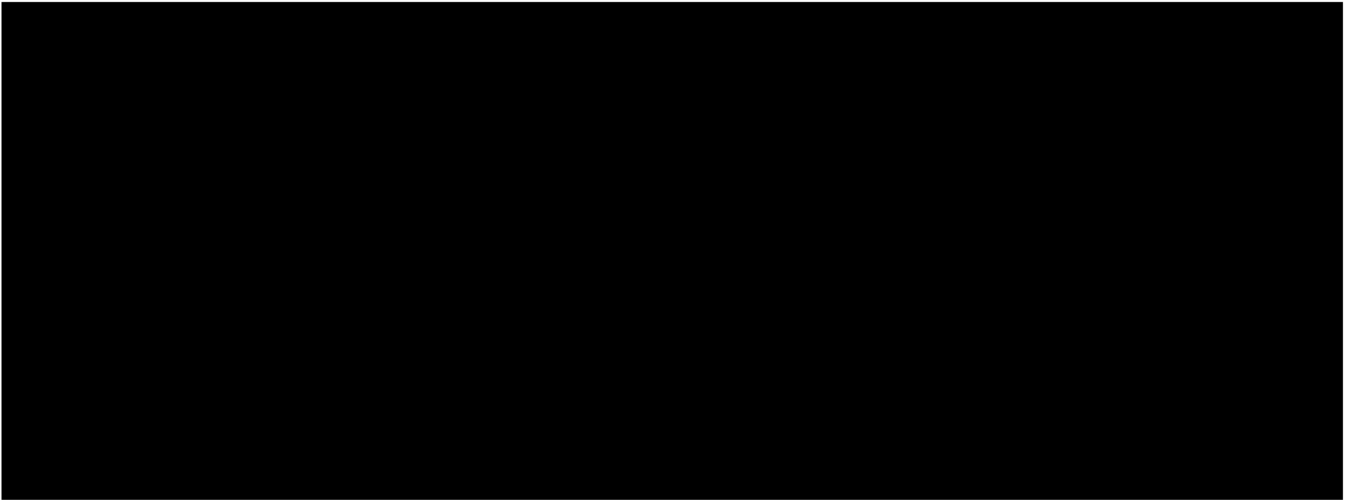
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