



## **Filing Receipt**

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**Item Number - 2**

# CONFIDENTIAL-FILING MEMORANDUM

TO: Central Records  
FROM: Upton County Solar 2 LLC  
DATE: July 13, 2026  
RE: Public Utility Commission (PUC) Docket No. 59983 – *Complaint of Upton County Solar 2 LLC Against the Electric Reliability Council of Texas*

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Pursuant to 16 Tex. Admin. Code (TAC) § 22.71(j)(1)(A)-(E), Upton County Solar 2 LLC (Upton Solar) designates its Complaint of Upton County Solar 2 LLC Against the Electric Reliability Council of Texas as partially confidential.

This filing contains detailed information regarding a resource belonging to Upton Solar including detailed plans for modifying the resource, communications with the independent system operator regarding the resource, and information regarding the resource’s technical limitations and capabilities.

The following pages contain redactions for the reasons stated below:

- **Pages 8; 14; 36 – 68; 73 – 75; 77; 79 – 85; 87 – 102; 107; 109 – 110; 112; 114 – 128; 130 – 131; 137 – 140; 146 – 149**
  - The pages were redacted because they contain confidential commercial information under Section 552.110 of the Government Code, contain information considered to be confidential by law under Section 552.101 of the Government Code, which includes information that is protected under the ERCOT Nodal Protocols,<sup>1</sup> or contains information that could disclose particular vulnerabilities of critical infrastructure to an act of terrorism, which is confidential under Section 418.181 of the Government Code. The information included is confidential because it contains detailed plans and technical performance information of a generation resource in the ERCOT area of Texas.

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<sup>1</sup> Open Records Decision No. 2021-16568A at 5 (Jan. 18, 2022).

**Select the applicable box below:**

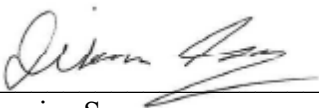
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☒ Not Applicable (a protective order has not been issued in the proceeding)

Upton Solar acknowledges that the confidential filing status of this document may be subject to challenge by another party in the proceeding or by the presiding officer.

Respectfully submitted,

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**PUC DOCKET NO. 59983**

**COMPLAINT OF UPTON COUNTY  
SOLAR 2 LLC AGAINST THE  
ELECTRIC RELIABILITY COUNCIL OF  
TEXAS**

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**PUBLIC UTILITY COMMISSION  
  
OF TEXAS**

**UPTON COUNTY SOLAR 2 LLC’S COMPLAINT AGAINST THE  
ELECTRIC RELIABILITY COUNCIL OF TEXAS**

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**COMPLAINT OF UPTON COUNTY  
SOLAR 2 LLC AGAINST THE  
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**PUBLIC UTILITY COMMISSION  
  
OF TEXAS**

TO THE HONORABLE PUBLIC UTILITY COMMISSION OF TEXAS:

**I. INTRODUCTION**

Upton County Solar 2 LLC (“Upton Solar”) brings this appeal under 16 Tex. Admin. Code (“TAC”) § 22.251 to challenge ERCOT’s rejection of Upton Solar’s request for an extension of the Nodal Operating Guide (“NOG”) § 2.6.2.1(6) ride-through compliance deadline for the CASL\_GAP\_UNIT1 Resource (the “Solar Resource”). ERCOT’s rejection was legally erroneous because it created a requirement to provide a model of future performance, when none exists, and rejected the extension request on that basis alone, rather than on an analysis of reliability risks. ERCOT relied on NOG §§ 2.11.1(1)(l) and NOG § 2.12.1(3)(c) when rejecting the extension request, but neither of these sections requires a model of future performance, only a model of current capabilities. Upton Solar confirmed that ERCOT’s existing models reflected the Solar Resource’s current technical limitations and explained that a revised model reflecting post-modification performance would be provided when available and prior to implementation of those modifications. ERCOT’s contrary interpretation effectively rewrites NOG §§ 2.11.1(1)(l) and NOG § 2.12.1(3)(c) to require a completed future model even when the resource is pursuing a modification for which that future model does not yet exist.

ERCOT also failed to apply the requirements of 16 TAC § 25.517(d) before denying the extension. That rule requires ERCOT to assess threshold reliability risk, consider whether a feasible and acceptable solution will become available within a reasonable time, and make reasonable efforts to identify mutually acceptable technical or operational options to mitigate any identified risk. ERCOT’s rejection notice does not reflect that ERCOT considered any of these items in its rejection. Instead, ERCOT rejected the request solely on the grounds that Upton Solar had not yet submitted a model reflecting future performance after planned upgrades. That approach is inconsistent with both the procedural requirements of Commission rules and the substantive standard governing extension requests.

The record demonstrates that Upton Solar has pursued a concrete path to compliance, that the timing for availability of the modified model depends on third parties outside Upton Solar's reasonable control, and that the requested extension falls within the time period expressly permitted by the Nodal Operating Guide. The Commission should therefore reverse ERCOT's June 8, 2026, Rejection Notice and grant the requested extension. In the alternative, the Commission should remand the matter to ERCOT with instructions to evaluate Upton Solar's extension request under the correct legal standards, including NOG § 2.12.1(3), NOG § 2.11.1(1)(l), and 16 TAC § 25.517(d).

## II. PARTIES

Complainant Upton Solar is an ERCOT-approved Resource Entity and a Commission-registered Power Generation Company (PGC). The authorized representatives for Upton Solar are:

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ERCOT is the respondent. To Upton Solar's belief, ERCOT's authorized representatives are:

Chad V. Seely  
Senior Vice President, Regulatory Policy, General  
Counsel, Chief Compliance Officer, and  
Corporate Secretary  
Brandon Gleason  
Vice President, Legal and Compliance  
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### **III. REQUEST FOR ENTRY OF PROTECTIVE ORDER**

Upton Solar is including information with this filing that it considers to be Protected Materials or Highly Sensitive Protected Materials. Upton Solar expects that information submitted may constitute ERCOT Critical Energy Infrastructure Information (“ECEII”). Upton Solar requests that the Administrative Law Judge (“ALJ”) issue a Protective Order protecting confidential or highly sensitive information that may be produced in this proceeding. A copy of the standard form protective order is attached as Attachment A.

### **IV. STATEMENT OF THE CASE**

#### **A. Related Proceedings**

There are no underlying, prior or pending proceedings related to Upton Solar’s extension request.

#### **B. Affected Entities**

The affected entities are Upton Solar, as the Resource Entity for the Solar Facility, and ERCOT.

#### **C. ERCOT Conduct**

Upton Solar seeks relief from ERCOT’s rejection of Upton Solar’s extension request for additional time for the Solar Facility to meet the requirements of Nodal Operating Guide § 2.6.2.1(6). ERCOT stated that it was rejecting the extension request because Upton Solar had not submitted a model accurately representing expected performance of the Solar Facility.<sup>1</sup>

#### **D. Applicable ERCOT Binding Documents, Procedures or Law**

Applicable Nodal Operating Guide requirements include: NOG §§ 2.6.2.1 (frequency ride-through requirements), 2.11.1 (Initial Frequency Ride-Through Capability Report) 2.12.1 (extensions), and 2.12.1.3 (extension review process.) Applicable sections of the Commission’s rules include: 16 TAC §§ 22.251 (complaints against ERCOT), and 25.517 (exemption process for ERCOT reliability requirements). Public Utility Regulatory Act § 39.151 related to essential organization in the ERCOT market is also relevant.

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<sup>1</sup> Attachment G.

### **E. Applicable ERCOT Procedures**

As discussed below, Upton Solar brings this Complaint pursuant to 16 TAC § 22.251(r). Under this section, a resource entity need not engage in ERCOT's ADR process or comply with Applicable ERCOT Procedures.<sup>2</sup>

### **F. Suspension of ERCOT Conduct**

Under NOG § 2.12.1(10) until there is a non-appealable final order in this docket, the Solar Resource must meet “the greater of: (i) its documented maximum ride-through capability, or (ii) its performance requirements in effect on May 1, 2024.” For that reason, Upton Solar does not currently seek a suspension of ERCOT conduct while this complaint is pending but reserves the right to seek suspension under 16 TAC § 22.251(j), if necessary.<sup>3</sup>

### **G. Commission Jurisdiction**

This complaint regarding ERCOT's conduct is filed under the authority of 16 TAC § 22.251, which authorizes any entity affected by an ERCOT decision to appeal to this Commission to address and resolve any conduct by ERCOT that violates any Commission rule, protocol or procedure adopted by ERCOT pursuant to any law the Commission has jurisdiction to administer. Specifically, this complaint is brought under Section 22.251(r) of the Procedural Rules, which govern complaints against ERCOT related to a request for an extension for an ERCOT reliability requirement. The Commission additionally has jurisdiction over this complaint pursuant to PURA § 39.151 and 16 TAC § 25.517(f). This complaint is timely because ERCOT issued the Rejection Notice on June 8, 2026, and this Complaint is filed within 35 days of that date.<sup>4</sup>

## **V. ISSUES PRESENTED**

Upton Solar has identified the following issues for Commission Review:

- (1) Whether Upton Solar satisfied the Initial Frequency Ride Through Capability Report (“IFRTCR”) submission requirements in NOG § 2.11.1(1);

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<sup>2</sup> 16 TAC § 22.251(b)(1) defines “Applicable ERCOT Procedures” as “the applicable sections of the ERCOT protocols that are available to challenge or modify ERCOT conduct, including Section 20 (Alternative Dispute Resolution Procedures, or ADR) and Section 21 (Process for Protocol Revision), and other participation in an applicable revision process.”

<sup>3</sup> See 16 TAC § 22.251(j).

<sup>4</sup> 16 TAC § 22.251.



- (2) Whether Upton Solar satisfied the 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;
- (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;
- (5) Whether ERCOT made reasonable efforts to work with Upton 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, with or without conditions, pursuant to 16 TAC § 22.251(r)(5), given that Upton Solar is mere months away from an implemented solution.

## **VI. STANDARD OF REVIEW**

The Commission reviews ERCOT conduct under 16 TAC § 22.251(m). To the extent material factual issues have not already been determined through procedures satisfying the rule’s due-process requirements, those issues are resolved *de novo*.<sup>5</sup> The Commission is not limited to the record before ERCOT at the time of its decision but may consider all relevant evidence. The Commission may grant the extension if the Commission “finds merit in the complaint,”<sup>6</sup> or may grant the extension with or without conditions if the Commission finds “doing so is in the public interest.”<sup>7</sup>

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<sup>5</sup> See 16 TAC § 22.251(m) (providing that any factual issues are resolved on a *de novo* bases except for factual issues that have already been determined in a proceeding with an impartial third party under circumstances that are consistent with the guarantees of due process).

<sup>6</sup> 16 TAC § 22.251(p)

<sup>7</sup> 16 TAC § 22.251(r)(5).

## **VII. STATEMENT OF FACTS**

### **A. History of Violations**

Upton Solar has no history of violations of reliability-related ERCOT protocols, operating guides or other binding documents.

### **B. NOGRR245 Background**

Nodal Operating Guide Revision Request 245 (“NOGRR245”) was approved by the Commission on September 26, 2024, and became effective on October 1, 2024. It established enhanced frequency and voltage ride-through requirements for existing and new inverter-based resources and other resource types. Existing resources were required to meet the enhanced frequency ride-through requirements by December 31, 2025.<sup>8</sup> Throughout the stakeholder process for NOGRR245, considerable and protracted market discussions occurred because many existing resources expected they would not be able to comply with the enhanced ride-through requirements or would not be able to comply without considerable expenditures. Retroactive applicability of technical requirements to existing resources is complicated, controversial, and an extraordinary step – which was reflected in the stakeholder record for NOGRR245 that spanned 21 months, received a record number of comments only recently supplanted by Batch Zero’s PGRR145, abstentions from 1/3 of the Technical Advisory Committee, significant opposition to TAC’s recommendation presented to the ERCOT Board, and led to the adoption of a new substantive rule (16 TAC § 25.517).

Recognizing that if NOGRR245 forced the retirement of a large swath of resources, it would likely decrease ERCOT reliability rather than increase it, NOGRR245 provided that for resources with an SGIA executed prior to August 1, 2024, the resource or interconnecting entity could “submit an Initial Frequency Ride-Through Capability Report (“IFRTCR”) pursuant to Section 2.11.1 and submit an extension request or notice of intent to request an exemption pursuant to Section 2.12.1, Exemptions and Extensions Process.” The IFRTCR was required to contain, among other information, a “model accurately representing expected performance reflecting all technical limitations, or a statement that there are no new models available other than what is currently submitted to ERCOT that already reflect all technical limitations in frequency ride-

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<sup>8</sup> NOG 2.6.2.1(6).

through capability.”<sup>9</sup> NOGRR245 additionally contained provisions for an extension or exemption from the requirements; the Commission also amended Procedural Rule § 22.251 to clarify the process for appealing exemption or extension requests for resources operating in the ERCOT region.

NOG § 2.12.1 set a deadline of April 1, 2025, for submissions of IFRTCRs. That deadline was later extended to April 15, 2025. ERCOT subsequently extended the deadline for submission of all information in an IFRTCR, with specific focus on an accurate model, to September 15, 2025.<sup>10</sup> ERCOT’s market notice extending the deadline to September 15 stated “[i]f a Requesting Entity fails to submit *all* the missing information (including the model described in section (l) of the IFRTCR or IVRTCR) or requests additional time with no explanation for the delay under ERCOT Nodal Operating Guides Section 2.12.1.3(2) by September 15, 2025, ERCOT may conclude the Requesting Entity no longer seeks an extension and deny the request.”<sup>11</sup>

### **C. Upton Solar Background**

Upton Solar is the Resource Entity for the resource identified in ERCOT systems as CASL\_GAP\_UNIT 1. It is a 180 MW inverter-based solar resource located in Upton County, Texas. The Solar Resource contains [REDACTED] inverters.

Upton Solar is registered with the Commission as a power generation company and holds PGC Registration number 20464. Upton Solar’s First Amended and Restated ERCOT Standard Interconnection Agreement (SGIA) was effective November 28, 2016.<sup>12</sup> The Solar Facility was energized in 2018.

Upton Solar submitted PSSE and PSCAD models on February 2, 2018. These models were deemed usable by ERCOT during resource commissioning. The PSSE model was modified in October 2018 in response to a NERC Alert related to the loss of solar resources during transmission

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<sup>9</sup> NOG § 2.11.1(1)(l)

<sup>10</sup> [https://www.ercot.com/services/comm/mkt\\_notices/M-A010825-06](https://www.ercot.com/services/comm/mkt_notices/M-A010825-06) (emphasis added).

<sup>11</sup> *Id.*

<sup>12</sup> See Project No. 35077, Item 698 for First Amended and Restated SGIA (stating First Amended and Restated ERCOT SGIA between the parties is dated April 19, 2017).

disturbances.<sup>13</sup> These modified models were deemed usable by ERCOT.<sup>14</sup> In 2023, ERCOT requested updated models in a different format. Upton Solar began developing these models but abandoned their development in 2024 after NOGRR245 was passed. The models that were in development at the time NOGRR245 passed would not comply with NOGRR245’s enhanced ride through requirements. Upton Solar instead contracted for new inverter control software from the Original Equipment Manufacturer (“OEM”). The new software was purchased to allow the Solar Facility to comply with NOGRR245.

#### **D. The Extension Request and Rejection**

Because Upton Solar’s SGIA was executed before August 1, 2024, it was eligible to submit an IFRTCR and extension request under NOG § 2.6.2.1(7).<sup>15</sup>

Upton Solar submitted an extension request on April 1, 2025.<sup>16</sup> On September 15, 2025, Upton Solar supplemented that request and requested an extension until November 20, 2026, to comply with NOG § 2.6.2.1(6).<sup>17</sup> Upton Solar explained that, upon delivery by the facility’s inverter manufacturer (“OEM”), updated OEM inverter software would be installed to allow settings changes needed to meet the requirements.<sup>18</sup> Upton Solar also provided project milestones for software implementation, pre-implementation PSCAD and PSSE models, and anticipated post-implementation model submission. In its submission, Upton Solar stated that “[u]pdated OEM inverter software will be installed that will allow setting changes to meet all requirements,” and that “[i]nstallation of updated inverter software will be complete on November 20, 2026.”<sup>19</sup> The amended response listed November 2026 as the scheduled time for Upton Solar to “[s]ubmit post-implementation models to ERCOT and TSP.”<sup>20</sup> Specifically, in response to the field for a response to NOG § 2.11.1(1)(I), which asked for “[a] model accurately representing expected performance

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<sup>13</sup> Attachment H.

<sup>14</sup> *Id.*

<sup>15</sup> *See* NOG § 2.6.2.1(7).

<sup>16</sup> Attachment B.

<sup>17</sup> Attachment C; Attachment D.

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

reflecting all technical limitations or a statement there are no new models available because the Resource is requesting an exemption and the current model submitted to ERCOT already reflects all technical limitations in frequency ride-through capability” Upton Solar stated “[t]here are no new models currently available because the Resource is requesting an extension and the current model submitted to ERCOT already reflects all technical limitations in frequency ride-through capability. A revised model incorporating the post-modification settings will be completed prior to November 20, 2026, and will be sent to ERCOT for approval prior to implementation of the new settings.”<sup>21</sup>

On December 9, 2025, ERCOT sent an email with a Missing Information Request and asked Upton Solar to send additional information by December 23, 2025.<sup>22</sup> On December 22, 2025, Upton Solar responded to ERCOT’s request by providing updated information.<sup>23</sup> Part of this information was a letter from the OEM, which stated that it “cannot currently guarantee compliance with the maximum theoretical ride-through capability referenced in NOG §2.6.2.1(6) and §2.6.2.1(8) under all extreme grid conditions.”<sup>24</sup> This letter outlined efforts of the OEM to verify limitations of the current inverter firmware. On February 24, 2026, ERCOT again confirmed receipt of Upton Solar’s September 15 submission and issued a Missing Information Request identifying the lack of a model outlining expected performance as the sole deficiency.<sup>25</sup> Upton Solar met with ERCOT on March 5, 2026, to explain that the reason for the delay in submitting the model of expected performance after the software upgrades was due to waiting on a third-party to deliver the model, circumstances that were outside of Upton Solar’s control. Upton Solar provided additional details regarding the modeling history for Upton Solar on March 9, 2026, and on March 11, 2026 responded to ERCOT’s Missing Information Request’s instructions to “submit the information via email at NOGRR245@ercot.com” requesting an extension to the Missing Information Request response due date to June 30, 2026. On

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<sup>21</sup> *Id.*

<sup>22</sup> Attachment D.

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

<sup>25</sup> Attachment F.

March 12, 2026, ERCOT requested that this information be commemorated in the Missing Information Request Excel document, which Upton Solar completed and provided that same day.<sup>26</sup>

On June 8, 2026, ERCOT sent an Extension Request Rejection Notice.<sup>27</sup> The Rejection Notice states that “[a]s of 6/8/26, Upton County Solar has not submitted a model accurately representing expected performance reflecting all technical limitations as required by NOG §§ 2.11.1(l) and 2.12.1(3)(c) and, therefore, ERCOT is unable to grant the extension and hereby rejects the extension request.”<sup>28</sup> ERCOT did not identify any threshold reliability risk, evaluate whether the OEM software path was feasible within a reasonable time, or explain why conditional approval would be inadequate.

Upton Solar is awaiting updated PSCAD and PSSE models for the new inverter-control software. Upton Solar currently anticipates receiving those models prior to implementation of the software modification, with the new software expected to be installed by November 20, 2026.

## VIII. ARGUMENT

### A. Upton Solar provided the information required by NOG 2.11.1

Upton Solar provided all information required to be submitted as part of the IFRTC. NOG § 2.11.1(1) lays out all required information needed to be submitted as part of the IFRTC. This information includes basic unit information (subsections a-c), current frequency ride-through information (subsections e-f), information regarding requirements the resource cannot comply with and descriptions of the associated limitations, including a letter from the OEM (subsections d, g), information regarding planned modifications to maximize or increase frequency ride-through capabilities (subsections h-k), a description of limitations that cannot be represented in a model (subsection m), and a “model accurately representing expected performance reflecting all technical limitations, or a statement that *there are no new models available other than what is currently submitted to ERCOT that already reflect all technical limitations in frequency ride-*

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<sup>26</sup> *Id.*

<sup>27</sup> Attachment G.

<sup>28</sup> *Id.*

*through capability.*”<sup>29</sup> ERCOT’s February 24, 2026 Missing Information Request identified the response to subsection (l) as the only missing information.

In its September 15 revised IFRTC submission Upton Solar stated “*There are no new models currently available* because the Resource is requesting an extension and *the current model submitted to ERCOT already reflects all technical limitations in frequency ride-through capability.* A revised model incorporating the post-modification settings will be completed prior to November 20, 2026, and will be sent to ERCOT for approval prior to implementation of the new settings.”<sup>30</sup> By providing a statement that there are no new models currently available and that the current model submitted to ERCOT reflects all technical limitations in frequency ride-through capabilities, Upton Solar provided the information required in response to subsection (l), mirroring the specific language format specified by subsection (l). NOG § 2.11.1(1)(l) did not require Upton Solar to provide both the statement regarding current models and actual models depicting future expected performance. Nor does NOG § 2.11.1(1)(l) give ERCOT discretion to require both or dictate which of the two options presented in subsection (l) an applicant must provide. The use of the conjunctive word “or” clearly delineates that Upton Solar was only required to complete one of two options for subsection (l) completeness: *either* submit an updated model *or* include a statement that the current model already reflects technical frequency ride-through limitations. Upton Solar completed the latter.

ERCOT’s interpretation would defeat the purpose of the extension process and would create a “Catch-22.” A Resource Entity seeking an extension because it is implementing an OEM-dependent modification will often be unable to produce a final post-modification model before the engineering, software, and validation work is complete. Treating that absence as a threshold bar converts the extension process into a process available only to entities that have already completed the very work for which an extension is needed.

Upton Solar’s approach to complying with the NOG § 2.11.1(1)(l) requirement was reasonable and prudent. Upton Solar confirmed that the model ERCOT possessed represented current frequency ride-through capabilities and committed to producing a model with expected post-upgrade performance when it became available. Upton Solar routinely provided updates to

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<sup>29</sup> NOG § 2.11.1(1) (emphasis added).

<sup>30</sup> Attachment C, Attachment D (emphasis added).

ERCOT regarding when the post-upgrade model would be available.<sup>31</sup> At the time of the rejection, Upton Solar had provided ERCOT with all information that currently existed. Resource upgrades often take time and a model reflecting the capabilities of a modification will generally not be available while the modification is in development. While Upton Solar understands the desire to have more information sooner, there are limitations outside of a resource's control when it undertakes modifications to a resource – particularly retroactive regulatory mandates such as NOGRR245 that may not have off-the-shelf solutions available from the equipment manufacturers. Upton Solar is reliant on the manufacturer of the new software to provide it with information. In this case, Upton Solar is reliant on the OEM to provide an updated model that reflects the capabilities of the inverter control software. By confirming both the current frequency ride-through capabilities and providing information regarding the timeline for a post-upgrade model, Upton Solar provided ERCOT with all available information related to the response to NOG § 2.11.1(1)(l) and thus reasonably complied with the requirement.

Upton Solar's approach was reasonable and consistent with the Nodal Operating Guide. It confirmed the accuracy of the models ERCOT had for the Resource's current capability, disclosed the technical limitation, described the planned software solution, provided an implementation schedule, and committed to providing updated models when available. Nothing more was required by NOG § 2.11.1(1)(l). ERCOT's rejection for failure to provide a model for future expected performance should be reversed.

**B. ERCOT was required to grant the extension under NOG 2.12.1(3).**

Upton Solar provided all information required by NOG 2.12.1(3), and thus ERCOT was required to grant the extension. NOG 2.12.1(3) establishes a requirement for ERCOT: "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 describe all limitations the Requesting Entity cannot model and represents to ERCOT the model is accurate; (d) The date for the requested extension for a Resource

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<sup>31</sup> See Attachment F



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.” The phrase “sole and reasonable discretion” allows ERCOT to evaluate whether the conditions are met; it does not allow ERCOT to add extra conditions or deny an extension after the listed conditions are satisfied. The mandatory “will grant” language controls once those criteria are met.

First, circumstances beyond Upton Solar’s reasonable control prevented compliance by the NOGRR245 deadline. The Solar Resource was designed, interconnected, and energized years before NOGRR245 retroactively imposed the enhanced ride-through requirements. Upton Solar contracted with the OEM to procure a new operating system to comply with the heightened requirements, but this new inverter control software could not be commissioned prior to the deadline. These circumstances were outside of Upton Solar’s control and therefore Upton Solar met the requirements of NOG 2.12.1(3)(a).

Second, Upton Solar demonstrated good-faith efforts to minimize the extension’s duration. Upton Solar worked with the OEM to evaluate the ability of the existing inverters to meet NOGRR245. In the December 18, 2025 letter the OEM stated that was “currently performing additional verification and analysis based on the existing [REDACTED] firmware and hardware configuration to further correlate inverter behavior with hardware performance under extreme grid conditions.”<sup>32</sup> Upton Solar had already begun work to obtain inverter control software that could verifiably meet the heightened frequency ride-through requirements even before the OEM was able to definitively state that the existing software could not meet the heightened frequency ride-through requirements.<sup>33</sup> Upton Solar began working to secure new inverter control software to comply with NOGRR245 before final confirmation that the existing software could not comply and created a reasonable implementation schedule for that new software. These actions demonstrate a good faith effort to minimize the duration of the extension.

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<sup>32</sup> Attachment D.

<sup>33</sup> See Attachment C (identifying an implementation scheduled for new inverter control software), and Attachment D (OEM letter dated December 18, 2025 stating that at that time the OEM was “currently performing additional verification and analysis based on the existing [REDACTED] firmware and hardware configuration to further correlate inverter behavior with hardware performance under extreme grid conditions.”).

Third, as detailed above, Upton Solar confirmed that ERCOT’s existing models accurately represented the Resource’s current capabilities. NOG 2.12.1(3)(c) does not specify that the model provided must represent future or expected performance of the Resource. The intent that a future model need not be provided is clear when reading NOG § 2.12.1(3)(c) with NOG § 2.11.1(1)(I), which explicitly allows Resources to confirm that the existing model reflects all capabilities when applying for an exemption. By confirming that Upton Solar’s models on file with ERCOT were accurate models that included all limitations, Upton Solar complied with the requirements of § 2.12.1(3)(c). Finally, Upton Solar’s SGIA was executed years before August 1, 2024, and the extension request was through November 2026 – well ahead of the December 2027 limit.

Upton Solar’s extension request met all requirements of NOG 2.12.1(3) and ERCOT was thus required to grant the extension. ERCOT’s rejection should be reversed, and the Upton Solar’s extension request should be granted.

**C. ERCOT failed to conduct the reliability risk assessment 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.<sup>34</sup> In fact, ERCOT’s rejection notice indicates that rather than evaluating the substance of Upton Solar’s request, ERCOT rejected Upton Solar’s request based on the erroneous belief that a model reflecting future performance was a prerequisite to consideration. ERCOT's statement that it is “unable to grant the extension” because “Upton County Solar has not submitted a model” appear to confirm that ERCOT did not conduct any reliability risk assessment of the request.<sup>35</sup>

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.<sup>36</sup>

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<sup>34</sup> 16 TAC § 25.517(d)(1).

<sup>35</sup> See e.g. *Complaint of 225DD 8ME LLC Against the Electric Reliability Council of Texas Inc.*, Docket No. 59868, Complaint of 225DD 8ME LLC Regarding ERCOT's Rejection of Extension Request at 53 (June 10, 2026).

<sup>36</sup> 16 TAC § 25.517(d)(3)(C).

Upton Solar identified that solution: updated inverter control software.<sup>37</sup> As recently as March 11, 2026, Upton Solar confirmed that the solution was expected be installed in November 2026.<sup>38</sup> ERCOT's rejection does not address why this identified path to compliance does not represent a feasible solution available within a reasonable time warranting rejection.

ERCOT also failed to satisfy the cooperative mitigation obligation in 16 TAC § 25.517(d), which provides that before denying relief, ERCOT must make reasonable efforts to work with the resource entity to identify mutually acceptable technical or operational options to mitigate threshold reliability risk.<sup>39</sup> ERCOT and Upton Solar routinely communicated regarding the planned software upgrade. Until the June 8 rejection letter, Upton Solar believed this plan to be mutually acceptable. If ERCOT identified any reliability risk that needed to be mitigated in the interim, the record does not reflect that this information was communicated to Upton Solar or that ERCOT worked with Upton Solar to mitigate that risk.

ERCOT therefore did not reject Upton Solar's request on the merits. It treated the absence of a future model as a threshold bar and bypassed the reliability-risk analysis, feasible-solution analysis, and the cooperative mitigation process required by Commission rule. ERCOT's rejection is deficient under the review requirements of 16 TAC § 25.517 and should be reversed, and ERCOT should be required to conduct the required reliability assessment.

**D. Upton Solar does not present a reliability risk.**

The absence of a post-modification model does not establish a threshold reliability risk. Upton Solar has operated in ERCOT since 2018, has no history of reliability-related violations, and remains subject to the interim obligations in NOG § 2.12.1(10) while this process is pending. Upton Solar has a well-defined, specific path to compliance with NOGRR245 that is limited in duration and presents no long-term reliability risk that would justify denying an extension. Even if a model reflecting Upton Solar's expected capabilities after the installation of the new software were required, the delay in providing that model does not 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

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<sup>37</sup> Attachment G

<sup>38</sup> Attachment F

<sup>39</sup> 16 TAC § 25.517(d)(2).

Entity and can become available within a reasonable time, subject to appropriate milestones, modeling requirements, and ERCOT oversight.”

Upton Solar has identified a feasible solution to comply with NOGRR245, which it expected to be able to implement within roughly 5 months after ERCOT sent its rejection. This limited extension followed by full compliance with NOGRR245 is exactly the type of conduct the Commission sought to encourage in approving 16 TAC § 25.517.

**E. Public Policy favors granting the extension request under 16 TAC § 22.251(r)(5).**

While instances of new technical requirements applying to existing resources should be rare, Upton Solar has engaged in precisely the type of conduct that the Commission should encourage from resources when this situation occurs. Upton Solar identified a gap, worked with the OEM, invested in new software, and provided ERCOT with the information then available. Denying the request because of third-party timing for a future model would discourage existing resources from making the investments needed to comply with new reliability requirements.

“[T]he commission may grant or deny an extension or exemption, with or without conditions, if doing so is in the public interest.”<sup>40</sup> Granting an extension, with or without conditions, is in the public interest because Upton Solar has taken the initiative to work with the OEM and procure new software so that an existing resource can comply with heightened requirements implemented by ERCOT years after the resource was commissioned. Upton Solar is expending necessary funds to modify a facility in response to ERCOT’s conclusion that changed requirements were needed to ensure grid reliability. Denying an exemption request in this circumstance--because of a manufacturer delay in providing a model of software not yet in service--could have a chilling effect on investment in the ERCOT market. Such a decision would send the signal that not only may a resource be subject to new technical requirements after installation, but that good faith attempts to comply with the new requirements will not be met with understanding or cooperation but instead with the springing of compliance traps that elevate form over function.

Furthermore, nothing in the record shows that Upton Solar presents any reliability risk. By contrast, denial could jeopardize a 180 MW solar resource that provides capacity to the ERCOT grid, including during peak summer conditions. Denial of Upton Solar’s extension request risks

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<sup>40</sup> 16 TAC § 22.251(r)(5).

removing a resource that has historically contributed to the reliability of the ERCOT grid. Granting the extension, subject to reasonable conditions, if necessary, better serves reliability and the public interest than rejection based solely on a non-existent future model.

## **IX. CONCLUSION**

Upton Solar respectfully requests that the Commission grant this Complaint and reverse ERCOT's June 8, 2026, Rejection Notice for the Solar Facility, grant Upton Solar's requested extension and award Upton Solar such other and further relief as the Commission deems just and appropriate. In the alternative, if the Commission declines to grant the requested extension directly, it should reverse ERCOT's June 8, 2026 Rejection Notice for the Facility and remand the matter to ERCOT with instructions to evaluate Upton Solar's extension request as required by 16 TAC § 25.517(d) and NOG § 2.12.1(3) and award Upton Solar such other and further relief as the Commission deems just and appropriate.

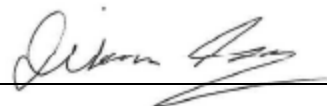
**Respectfully submitted,**

**UPTON COUNTY SOLAR 2 LLC**

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By: 

**Attorneys for Upton County Solar 2 LLC**

**CERTIFICATE OF SERVICE**

I, Sarah Neely, hereby certify that a copy of this document was served on ERCOT via their representatives listed in this complaint on July 13, 2026 via electronic mail.

  
\_\_\_\_\_  
Sarah Neely

**AFFIDAVIT OF EDWARD BONSKOWSKI**

STATE OF TEXAS               §  
                                          §  
COUNTY OF TRAVIS       §

BEFORE ME, the undersigned Notary Public, on this day appeared Edward Bonskowski, who being first duly sworn according to law upon his oath, deposed and said:

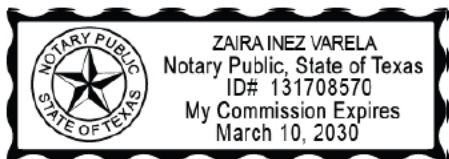
1. I am Vice President of Texas Regulatory Policy for Vistra Corporate Services Company, and in that role I am the designated Regulatory Contact for the Upton County Solar 2 LLC ("Upton Solar") Power Generation Company registration with the Public Utility Commission of Texas and the designated Authorized Representative for Upton Solar with ERCOT. I am authorized to execute this affidavit on behalf of Upton Solar.

2. I have reviewed Upton Solar's Complaint Against the Electric Reliability Council of Texas, including exhibits (the "Complaint") and the factual statements contained in the Complaint are true and correct to the best of my knowledge and belief.



\_\_\_\_\_  
Edward Bonskowski

SUBSCRIBED AND SWORN TO before me, the undersigned authority, on this 13th day of July 2026, to certify which witness my hand and seal of office.

  
\_\_\_\_\_  
Notary Public, State of Texas

# **Attachment A**

## **Protective Order**



**DOCKET NO. 59983**

|                                     |          |                                  |
|-------------------------------------|----------|----------------------------------|
| <b>COMPLAINT OF UPTON COUNTY</b>    | <b>§</b> | <b>PUBLIC UTILITY COMMISSION</b> |
| <b>SOLAR 2 LLC AGAINST THE</b>      | <b>§</b> |                                  |
| <b>ELECTRIC RELIABILITY COUNCIL</b> | <b>§</b> | <b>OF TEXAS</b>                  |
| <b>OF TEXAS</b>                     | <b>§</b> |                                  |
|                                     | <b>§</b> |                                  |

**PROTECTIVE ORDER**

This Protective Order governs the use of all information deemed confidential, including information for which the confidentiality designation is in dispute, by a party providing information to the Public Utility Commission of Texas (Commission) or to any other party to this proceeding. Under this Protective Order, “Protected Materials” are any information designated by a party as confidential. Within Protected Materials is a subset of highly confidential information designated as “Highly Sensitive Protected Materials.” Unless otherwise noted, references in this Protective Order to Protected Materials include Highly Sensitive Protected Materials, and the provisions of this Protective Order pertaining to Protected Materials also apply to Highly Sensitive Protected Materials, except where this Protective Order provides additional protections or requirements for Highly Sensitive Protected Materials.

It is ORDERED that:

1. **Designation of Protected Materials.** When producing or filing a document, regardless of the format, the producing party may designate that document, or any portion of it, as confidential pursuant to this Protective Order by labeling the document as “PROTECTED MATERIAL PURSUANT TO PROTECTIVE ORDER ISSUED IN DOCKET NO. 59983” and consecutively Bates Stamping each page. 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. Parties should ensure compliance with 16 Texas Administrative Code (TAC) § 22.71 regarding the filing of confidential documents.
2. **Materials Excluded from Designation.** Protected Materials may not include any information or documents (a) 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;<sup>1</sup> or (b) which at the time of disclosure in this proceeding are public knowledge or which later become public knowledge other than through disclosure in violation of this Protective Order.

3. **Reviewing Party.** A Reviewing Party is any party provided Protected Materials in the course of this proceeding.
4. **Designation of Protected Materials.** When Protected Materials are filed with the Commission, the producing party must comply with the requirements of 16 TAC § 22.71(j) and must identify, if applicable: (a) any exceptions to the Public Information Act claimed to apply to the Protected Materials; (b) the reasons supporting a claim the information is excepted from disclosure under the Public Information Act; and (c) that counsel for the producing party, if any, has reviewed the information sufficiently to state in good faith that the information is excepted from 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) and filed the signed Protective Order Certification Form in this proceeding. The Reviewing Representatives consist of the Reviewing Party, if not represented by counsel, or the Reviewing Party's counsel of record in this proceeding and any associated attorneys, staff, consultants, and other persons employed or retained by the Reviewing Party or the Reviewing Party's counsel of record and directly engaged in this proceeding. Commission Staff will not provide copies of another party's Protected Materials to Reviewing Representatives. Reviewing Representatives may request copies of Protected Materials directly from the producing party. Reviewing Representative may also view, but not receive copies of, Protected Materials in person in the offices of the Commission. At all times, the presiding officer and the presiding officer's staff shall have access to Protected Materials for purposes of this proceeding, in compliance with 16 TAC § 22.71(j)(6).

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<sup>1</sup> Tex. Gov't Code §§ 552.001–.407.

6. **Highly Sensitive Protected Materials.** Highly Sensitive Protected Materials are a subset of Protected Materials and include documents or information that a producing party claims are of such a highly sensitive nature that making copies of such documents or information or providing access to such information, except as specified herein, would expose a producing party to unreasonable risk of harm. Under this Protective Order, Highly Sensitive Protected Materials include but are not limited to: (a) customer-specific information protected by PURA<sup>2</sup> § 32.101(c) or Texas Utilities Code § 182.052; (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 transaction information, and/or market-sensitive marketing plans; and (d) business operations or financial information that is commercially sensitive. Documents or information so classified by a producing party must bear the designation “HIGHLY SENSITIVE PROTECTED MATERIALS PROVIDED PURSUANT TO PROTECTIVE ORDER ISSUED IN DOCKET NO. 59983” and must be consecutively Bates Stamped. Any notes made from Highly Sensitive Protected Materials must also be treated as Highly Sensitive Protected Materials unless such notes contain only a description of the document and a general characterization that does not reveal any substantive information from the document. Parties should ensure compliance with 16 TAC § 22.71 regarding the filing of confidential documents.
7. **Persons Who May Have Access to Highly Sensitive Protected Materials.** Access to Highly Sensitive Protected Material is limited to those persons authorized by 16 TAC § 22.71(j)(6) and Reviewing Representatives who have signed the Protective Order Certification Form (see Attachment A) and filed the signed Protective Order Certification Form in this proceeding. Permitted Reviewing Representatives consist of the Reviewing Party, if not represented by counsel, or the Reviewing Party’s counsel of record in this proceeding and any associated attorneys, staff, consultants, and other persons employed or retained by the Reviewing Party or the Reviewing Party’s counsel of record and directly engaged in this proceeding. Commission Staff will not provide copies of another party’s Highly Sensitive Protected Materials to Reviewing Representatives. Reviewing

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<sup>2</sup> Public Utility Regulatory Act, Tex. Util. Code §§ 11.001–66.017.

Representatives may request copies of Highly Sensitive Protected Materials directly from the producing party as specified herein. Reviewing Representative may also view, but not receive copies of, Highly Sensitive Protected Materials in person in the offices of the Commission. At all times, the presiding officer and the presiding officer's staff shall have access to Highly Sensitive Protected Materials for purposes of this proceeding, in compliance with 16 TAC § 22.71(j)(6).

8. **Copies of Highly Sensitive Protected Materials.** A producing party must provide at least one copy of Highly Sensitive Protected Materials to a Reviewing Party. Any Highly Sensitive Protected Materials provided to a Reviewing Party may not be copied by the Reviewing Party except for the following reasons: (a) for admission into the evidentiary record; (b) upon order by the presiding officer, after a finding of good cause; or (c) by agreement of the producing party. The Reviewing Party is required to maintain a record of any copies made of Highly Sensitive Protected Materials and must timely provide such record to the producing party. The record must specify the location and person(s) possessing a copy.
9. **Public Information Requests.** If a request is made for Protected Materials under the Public Information Act, a copy of the requested Protected Materials may be furnished to the Open Records Division at the Office of the Texas Attorney General (OAG) in compliance with applicable law.
10. **Required Certification.** Prior to reviewing Protected Materials, a Reviewing Party, including any applicable Reviewing Representative, must 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 under the terms of the Protective Order in this proceeding, which I have read and hereby agree to be bound by. I understand that the contents of the Protected Materials, including any information derived from them, must not be disclosed to anyone except in accordance with the Protective Order and, unless I am an employee of the Commission or the Office of Public Utility Counsel (OPUC), will be used only for the purpose of the proceeding in Docket No. 59983. I acknowledge that the obligations imposed by this certification are pursuant to such Protective Order.

Prior to reviewing Highly Sensitive Protected Materials, a Reviewing Party, including any applicable Reviewing Representative, must agree in writing to the following certification found in Attachment A to this Protective Order:

I certify that I am eligible to review Highly Sensitive Protected Materials under the Protective Order in this proceeding. I further certify my understanding that the Highly Sensitive Protected Materials provided to me may include information designated as critical energy infrastructure information (CEII), and I agree to treat such CEII confidentially in accordance with the terms of the Protective Order.

The Reviewing Party is required to file a copy of each signed certification in this proceeding before being granted access to any confidential materials.

11. **Disclosures between Reviewing Representatives and Continuation of Restrictions.** A Reviewing Representative may disclose Protected Materials to another Reviewing Representative who has executed the signed certification required by Paragraph 10 appropriate for the materials disclosed. If a Reviewing Representative to whom Protected Materials have been disclosed stops participating in this proceeding, that person's right to review Protected Materials is terminated and all notes or other information derived from the Protected Materials must be destroyed or given to another Reviewing Representative authorized to review Protected Materials. Any person who has executed a certification under Paragraph 10 is bound by this Protective Order as long as it is in effect, even if that person no longer participates in this proceeding.
12. **Procedures Regarding Voluminous Protected Materials.** 16 TAC § 22.144(h) governs production of voluminous Protected Materials. Voluminous Protected Materials will be made available by the producing party 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. If requested, copies of voluminous Protected Materials may be made available to a requesting party, at the party's expense, provided however that Commission Staff, OPUC, the Electric Reliability Council of Texas, Inc. (ERCOT), and the OAG are not required to pay for copies of voluminous Protected Materials.
13. **Reviewing Period.** Protected Materials may be reviewed only until the Commission's plenary jurisdiction over this proceeding expires, which may be reopened if the

Commission regains jurisdiction due to a remand as provided by law. Protected Materials admitted into the evidentiary record or accompanying the evidentiary record as offers of proof may be reviewed through the pendency of this proceeding and any appeals.

14. **Use of Protected Materials.** Protected Materials are made available solely for use in this proceeding and access to Protected Materials may not be used in 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 OPUC.
15. **Confidential Treatment of Protected Materials and Information Derived from Those Materials.** A Reviewing Party's notes, memoranda, or other information regarding or derived from 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 therefrom that also constitute Protected Materials, are not viewed or taken by any person other than a Reviewing Representative of a Reviewing Party.
16. **Procedures for Submission of Protected Materials.** A party submitting to the Commission any filing, testimony, exhibit, or other document containing or disclosing any Protected Materials must comply with 16 TAC § 22.71(j). The presiding officer may subsequently remove or modify the filing's confidential designation, as provided under 16 TAC § 22.71(j)(2). If filing before a judicial body, the filing party: (a) must notify the party that provided the information within sufficient time to allow that party to seek a temporary sealing order; and (b) must otherwise follow the procedures in Rule 76a, Texas Rules of Civil Procedure.
17. **Protected Materials during Pendency of Appeal Regarding Confidential Designation.** If at any time the presiding officer orders that all or part of the Protected Materials do not

merit designation as confidential, or that 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 working days, unless otherwise ordered, from the date the party asserting confidentiality receives written notice of the presiding officer's order. If an appeal to the Commissioners is filed within that three-working-day time period, the Protected Materials will be afforded the confidential treatment and status provided in this Protective Order during the pendency of such appeal.

18. **Notice of Intent to Use Protected Materials or Change Materials Designation.** Parties must notify all other parties prior to offering Protected Materials into evidence or otherwise disclosing such information in the record. During the pendency of this proceeding at the Commission, a Reviewing Party wishing to disclose Protected Materials to any person to whom disclosure is not authorized by this Protective Order or wishing to change the designation of Protected Materials must first file and serve on all parties written notice of such proposed disclosure or request for change in designation, identifying with particularity the affected Protected Materials. A Reviewing Party may challenge the designation of Protected Materials at any time.
19. **Procedures to Contest Disclosure or Change in Designation.** If a party contests a proposed disclosure or request for change in designation, that party must file with the presiding officer its objection, with supporting affidavits (if any) within five working days after receiving the notice of the proposed disclosure or change in designation. If the party asserting confidentiality does not file such an objection within this time period, that party will be deemed to have waived any objection to the proposed disclosure or request for change in designation. Within five working days after an objection and supporting materials are filed, any responsive pleadings or documents by any other party must be filed. Any party seeking disclosure or change in designation must support its request with a statement verifying that the party has reviewed all portions of the materials in dispute and providing the reason the Protected Materials should not be confidential under applicable legal standards.
20. **Presiding Officer Determination Regarding Disclosure or Change in Designation.** If a proposed disclosure or change in designation is contested, the presiding officer will rule on the request without a hearing, although the presiding officer may conduct a prehearing

conference to determine the matter. The burden is on the party asserting confidentiality to show that disclosure or change in designation should not occur. If the presiding officer determines that the proposed disclosure or change in designation should occur, disclosure must not take place earlier than three working days after such determination unless otherwise ordered.

21. **Maintenance of Protected Status during Challenge Periods.** This paragraph identifies the time periods during which protection will continue to be afforded under this Protective Order for Protected Materials pending appeal. A party has ten days from either (a) the date of an unfavorable Commission order or (b) the date an appeal of an interim order to the Commission is overruled by operation of law, to file a challenge in the courts of this state to an order allowing disclosure or change in designation. Similarly, a party challenging a state district court determination allowing disclosure or change in designation shall have ten days to file an appeal of such order. Finally, a party challenging a determination of a state appeals court allowing disclosure or change in designation will have ten days from the date of the appellate court order to file a challenge to the order. During these time periods, all Protected Materials will be afforded the confidential treatment and status provided for in this Protective Order.
22. **Return of Copies of Protected Materials and Destruction of Information Derived from Protected Materials.** Following the conclusion of this proceeding, each Reviewing Party must, no later than 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. Further, within that same time period, counsel for each Reviewing Party must provide to the party asserting confidentiality a letter by counsel representing that any Protected Materials (including copies of notes, memoranda, and other documents regarding or derived from the Protected Materials) that have not been returned have been destroyed. Promptly following the conclusion of this proceeding, counsel for the party asserting confidentiality must send a written notice to all other parties reminding them of their obligations under this Paragraph. In this Protective Order, “conclusion of this proceeding” means the exhaustion of available appeals, or the expiration of the time for making such appeals, as provided by applicable law. If, following any appeal, the Commission conducts



a remand proceeding, then the “conclusion of this proceeding” is extended by the remand to the exhaustion of available appeals of the remand, or the expiration of the time for making such appeals, as provided by applicable law. Nothing in this Paragraph prohibits counsel for each Reviewing Party from retaining two 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.

23. **Applicability of Other Law.** This Protective Order is subject to the requirements of the Public Information Act, the Open Meetings Act,<sup>3</sup> the Texas Securities Act,<sup>4</sup> and any other applicable law. However, if possible, any party subject to those acts must notify the party asserting confidentiality prior to disclosing Protected Materials under those acts as specified herein. Notwithstanding any other provision herein, 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 indicate in writing that such notice could compromise the investigation and that the governmental entity involved will maintain the confidentiality of the Protected Materials.
24. **Procedures for Release of Information Under Order.** Notwithstanding any other provision herein, if required by order of a governmental or judicial body, the Reviewing Party may release confidential information as required by such order. However, the Reviewing Party must (a) notify the producing party of the order requiring the release of such information within five days of the date the Reviewing Party has notice of the order; (b) notify the producing party at least five days in advance of the release of the information to allow the producing party to contest release of the confidential information; and (c) use its best efforts to prevent such materials from being disclosed to the public. This Protective Order does 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

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<sup>3</sup> Tex. Gov’t Code §§ 551.001–.146.

<sup>4</sup> Tex. Gov’t Code §§ 4001.001–4008.105.

specified in this paragraph 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 indicate in writing that such notice could compromise the investigation and that the governmental entity involved will maintain the confidentiality of the Protected Materials.

25. **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 such disclosure is pursuant to a final order of a Texas governmental or 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 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.
26. **Sanctions.** If the presiding officer finds that a party unreasonably designated materials as Protected Materials or Highly Sensitive Protected Materials, unreasonably attempted to prevent disclosure, or otherwise breached this Protective Order, the presiding officer may sanction the party under 16 TAC § 22.161.

## ATTACHMENT A

### Protective Order Certification

I certify my understanding that the Protected Materials are provided to me under the terms of the Protective Order in this proceeding, which I have read and hereby agree to be bound by. I understand that the contents of the Protected Materials, including any information derived from them, must not be disclosed to anyone except in accordance with the Protective Order and, unless I am an employee of the Commission or the Office of Public Utility Counsel (OPUC), will be used only for the purpose of the proceeding in Docket No. 59983. I acknowledge that the obligations imposed by this certification are pursuant to such Protective Order.

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Signature

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Party Represented

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Printed Name

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Date

I certify that I am eligible to review Highly Sensitive Protected Materials under the Protective Order in this proceeding. I further certify my understanding that the Highly Sensitive Protected Materials provided to me may include information designated as critical energy infrastructure information (CEII), and I agree to treat such CEII confidentially in accordance with the terms of the Protective Order.

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Signature

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Party Represented

---

Printed Name

---

Date

# **Attachment B**

## **Initial Extension Request Documents**

**From:** [DocuSign NA4 System](#) on behalf of [ERCOT via Docusign](#)  
**To:** [Bonskowski, Ned](#)  
**Subject:** Completed: RFI - 2025 NOGRR245 - IBRR for CASL\_GAP\_UNIT1  
**Date:** Tuesday, April 1, 2025 7:42:49 PM  
**Attachments:** [ERCOT\\_NOGRR245.docx.pdf](#)  
[Castle Gap UNIT1 FRT-4 Frequency Ride Through Curve.pdf](#)  
[Castle Gap UNIT1 VRT-4 VRT Curve.pdf](#)  
[CASL\\_GAP\\_UNIT1 IFRTCR Extension request.pdf](#)  
[CASL\\_GAP\\_UNIT1 IVRTCR Extension request.pdf](#)  
[CASL\\_GAP\\_UNIT1 IVRTCR Extension request.pdf](#)  
[CASL\\_GAP\\_UNIT1 IFRTCR Extension request.pdf](#)

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### ERCOT

[docusign@ercot.com](mailto:docusign@ercot.com)

All parties have completed RFI - 2025 NOGRR245 - IBRR for CASL\_GAP\_UNIT1.

Please populate the 2025 NOGRR245 - IBRR Questionnaire as requested for UPTON COUNTY SOLAR 2 LLC (RE) - CASL\_GAP\_UNIT1

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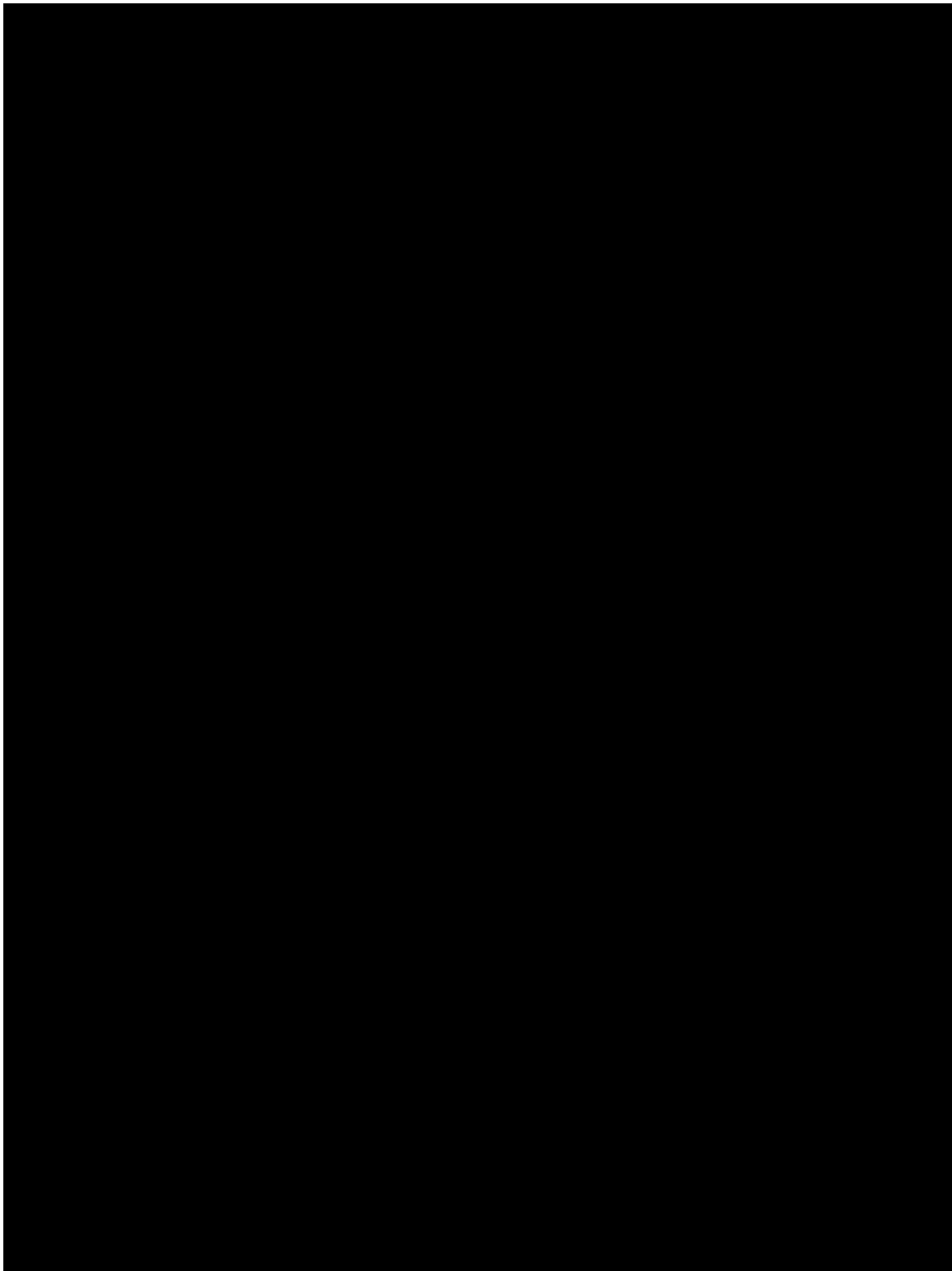
**Stop receiving this email**

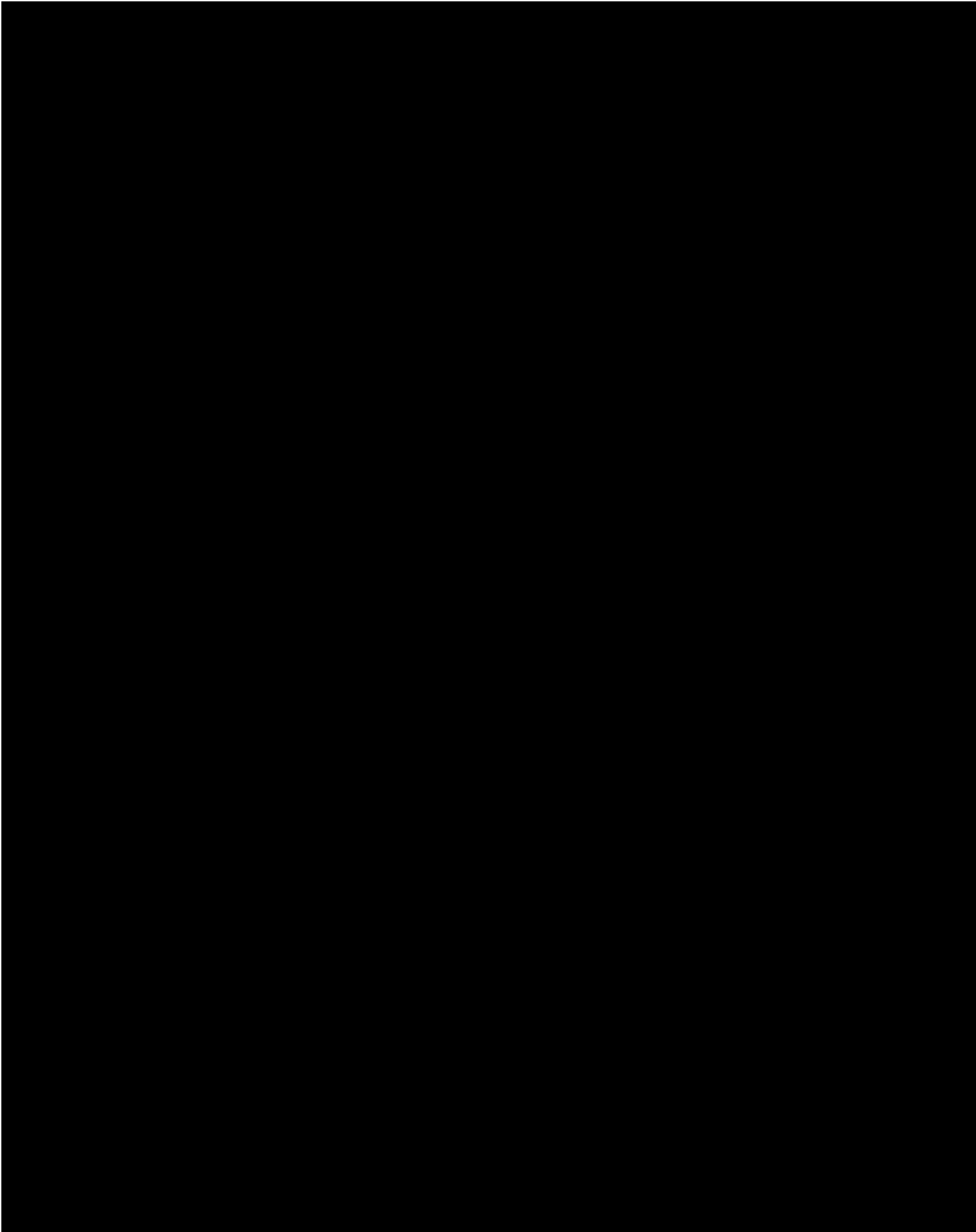
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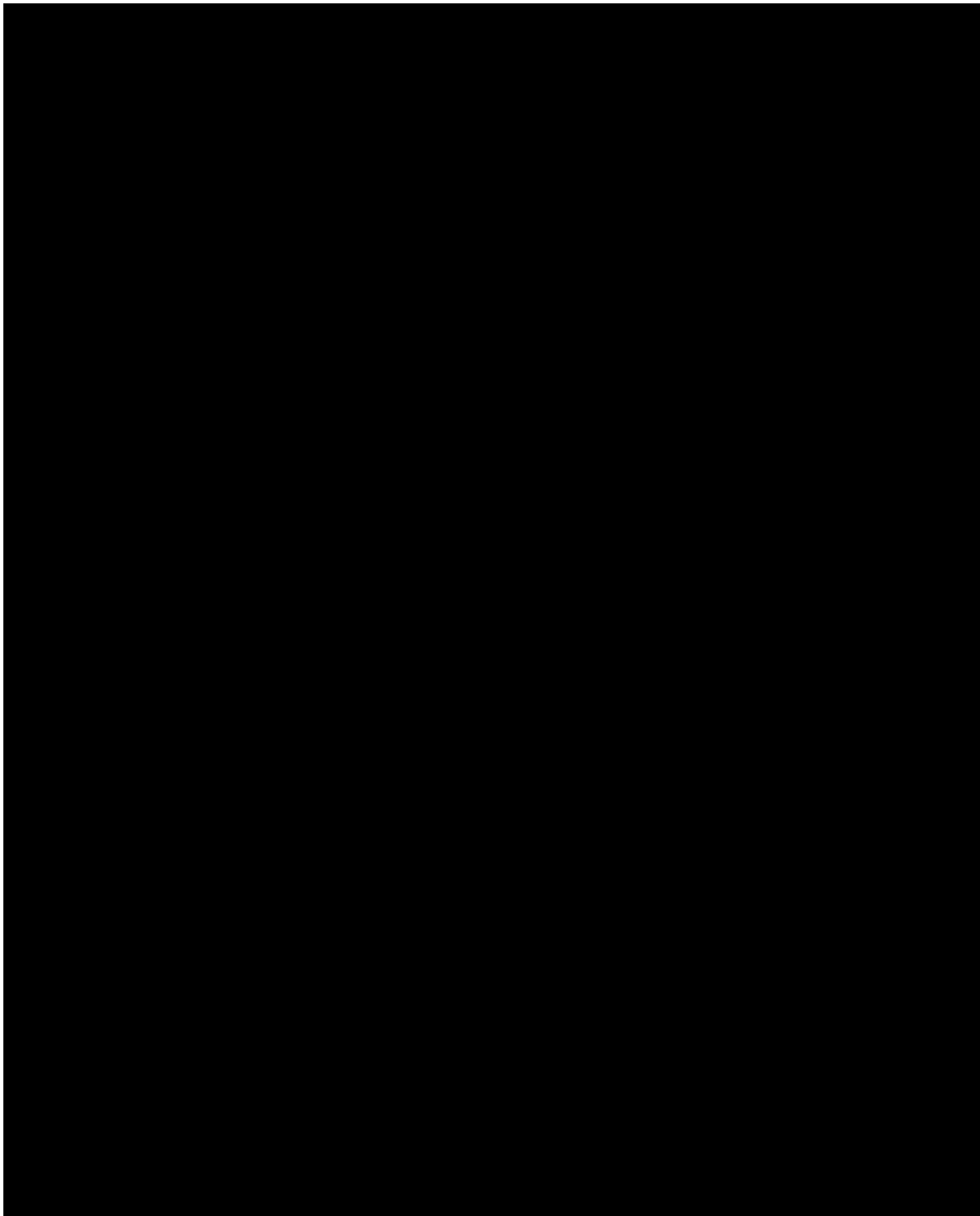
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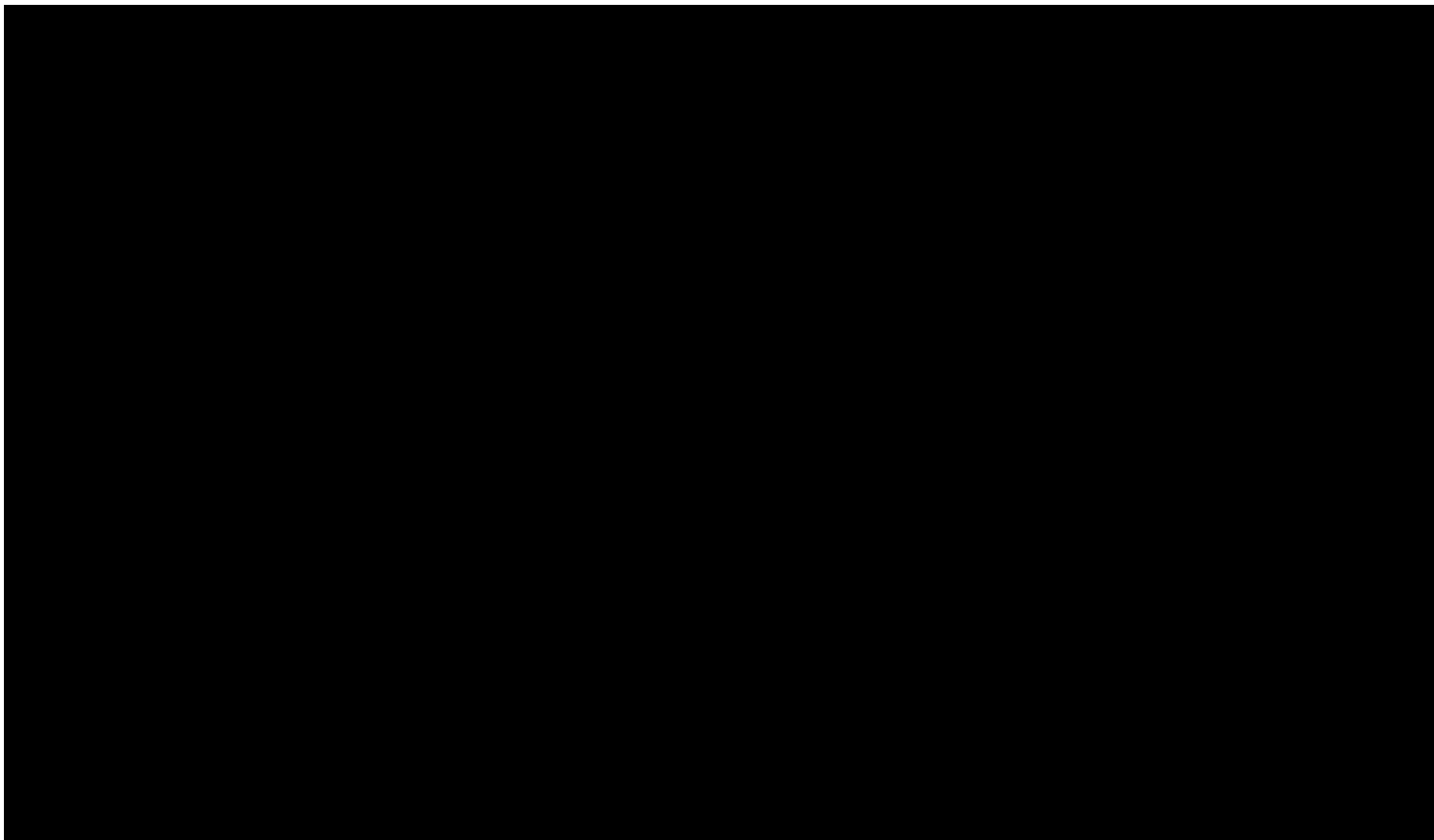
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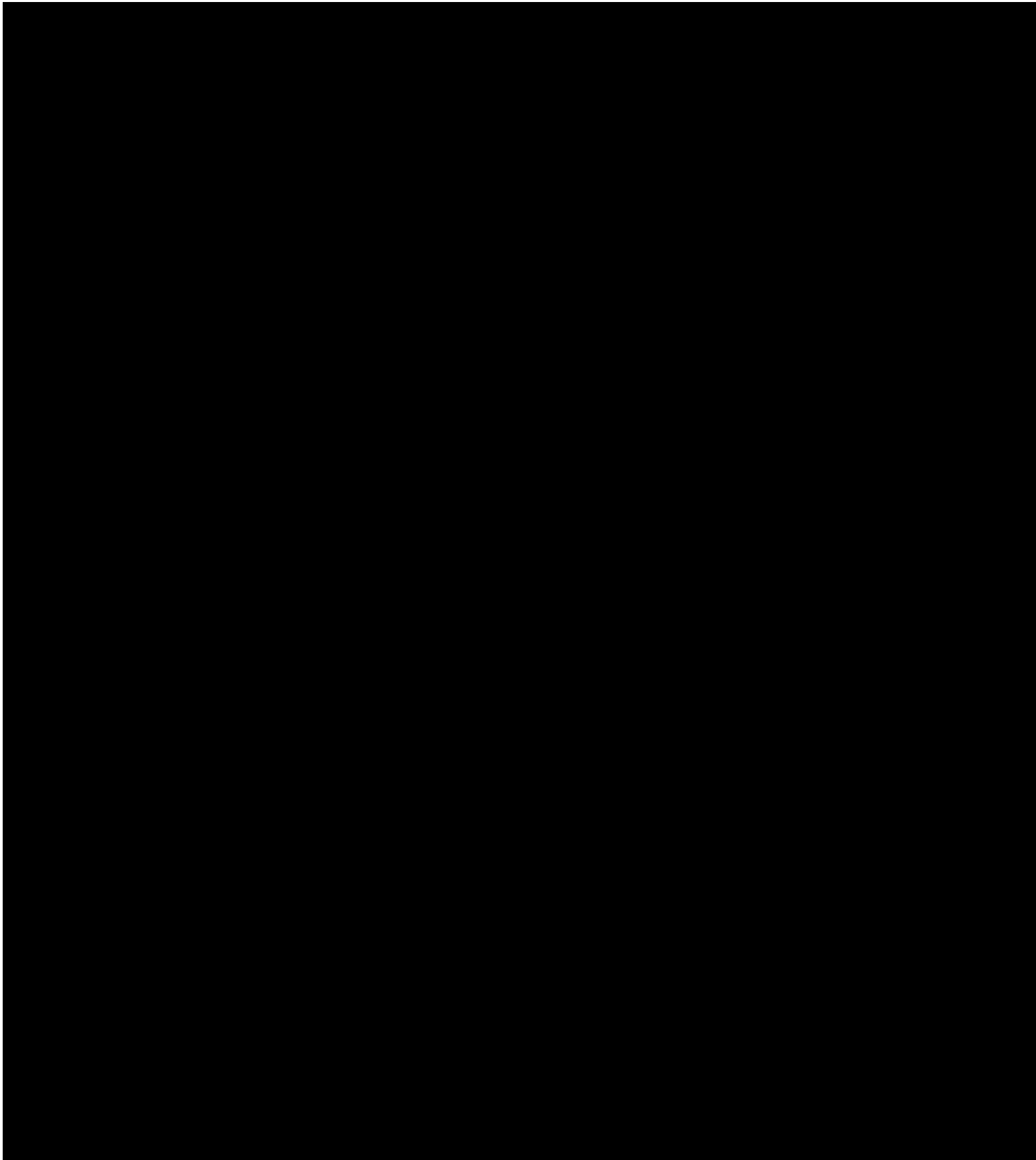


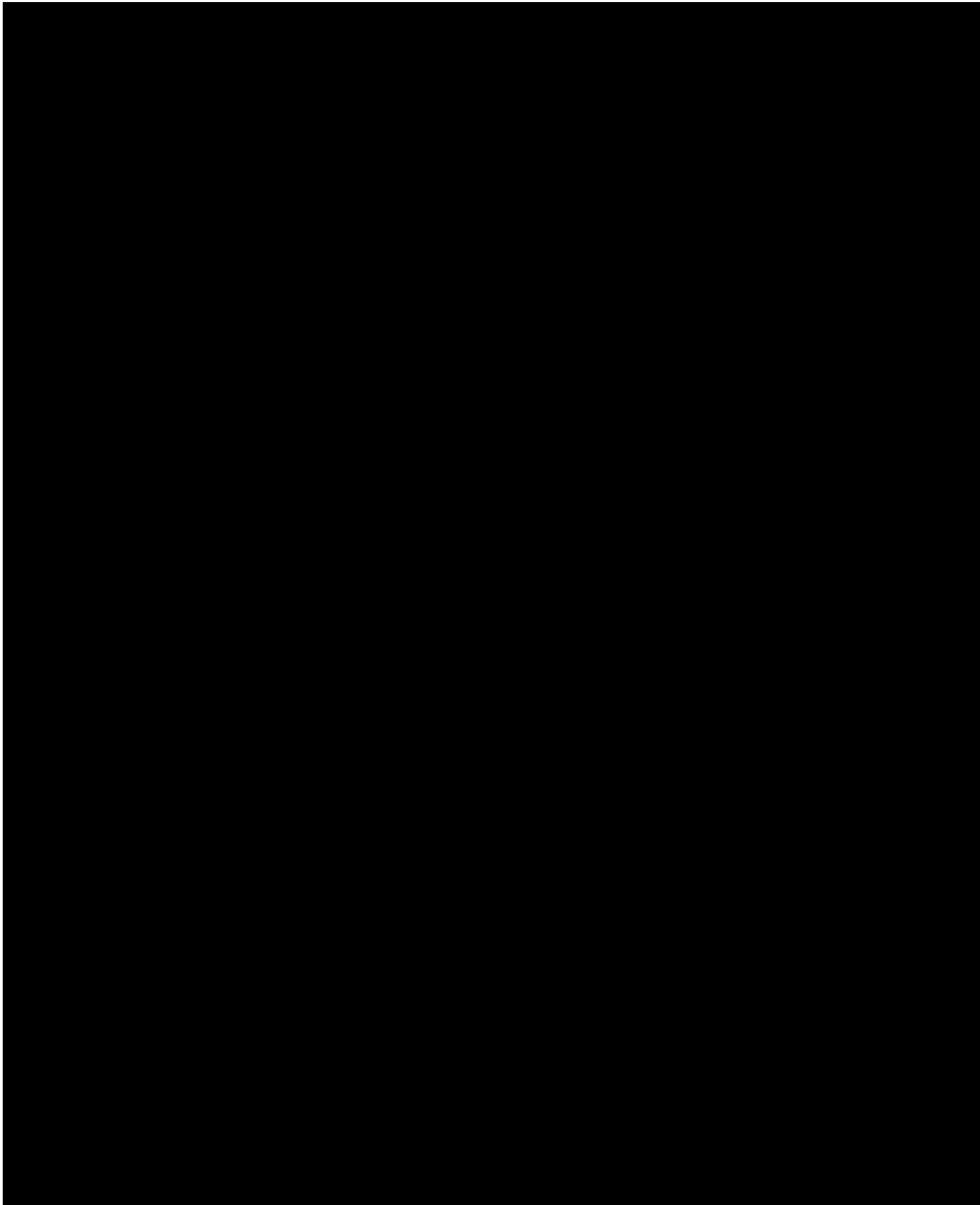


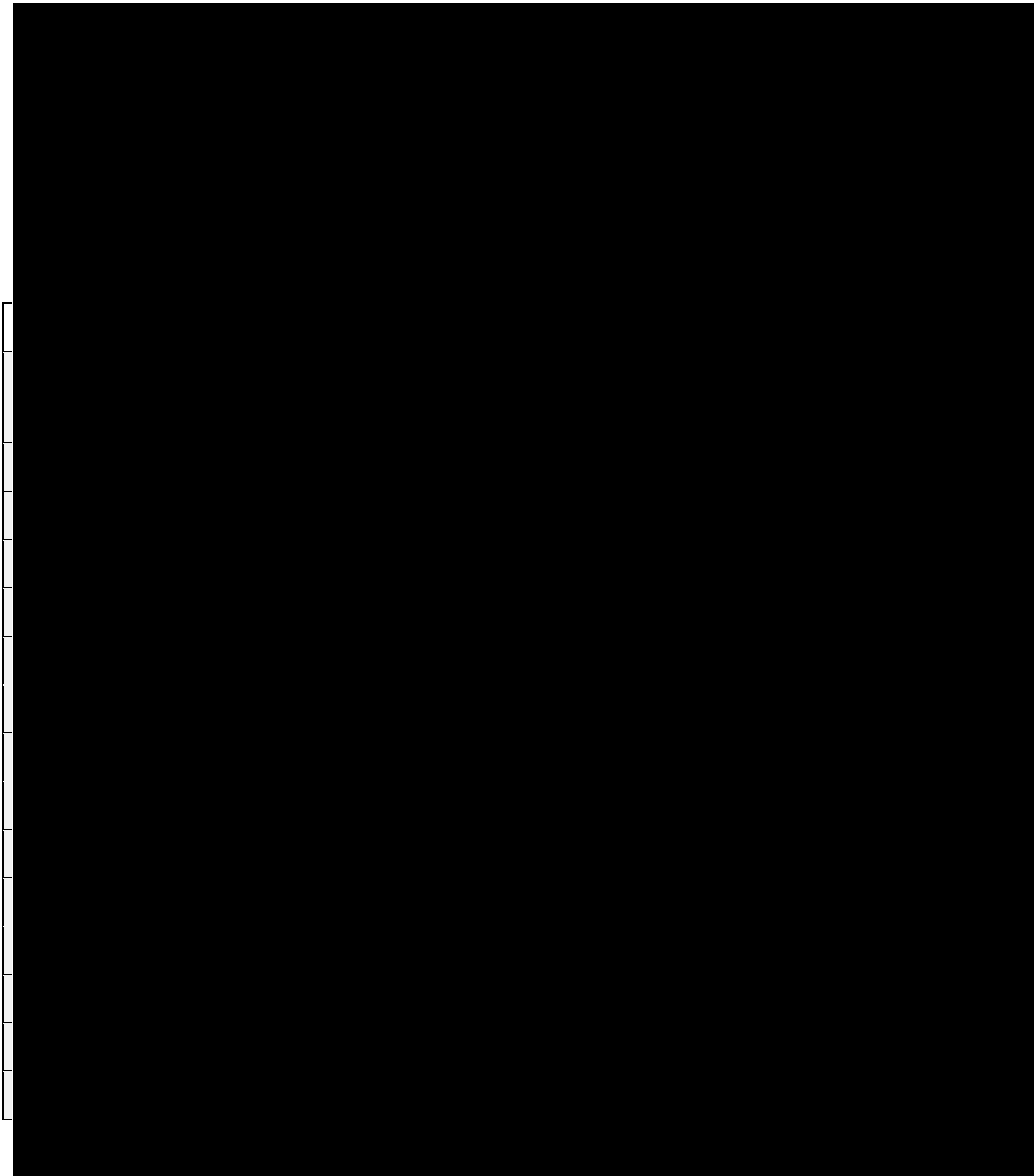


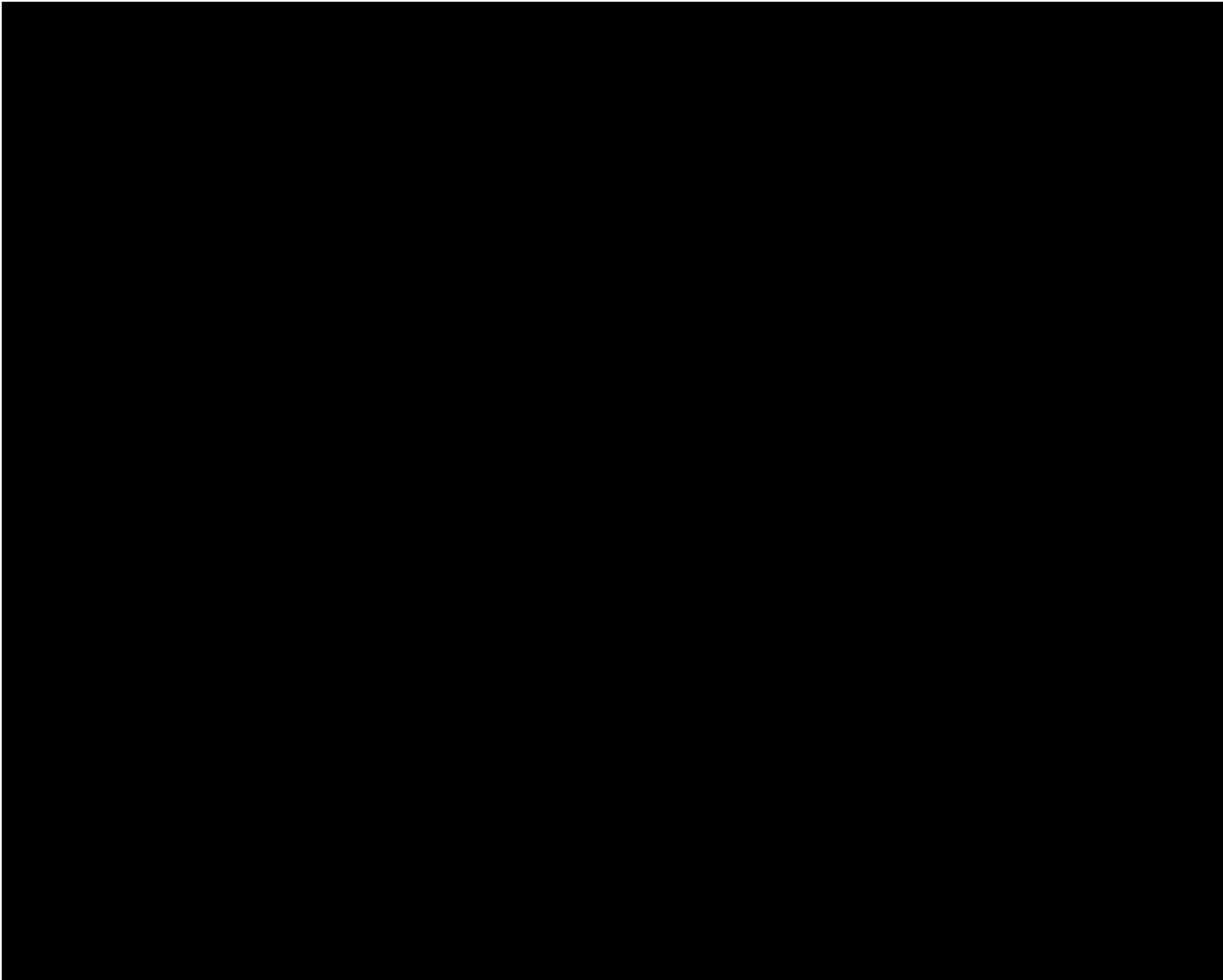












**2025 NOGRR245 IBR RFI**

(Market Notice: M-A071024-02)

**Resource Entity:** UPTON COUNTY SOLAR 2 LLC (RE)

**Resource Name:** CASL\_GAP\_UNIT1

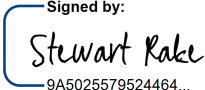
**DocuSign Instructions:**

- Responses are due on or before April 1, 2025
- Only one person can provide responses.
- The document can be forwarded or “Assigned to Someone Else” via the “Other Actions” menu at the top of the DocuSign web page.
- Please contact your ERCOT Account Manager with any additional questions.

**Background Information:**

The Public Utility Commission of Texas approved NOGRR 245 to be effective October 1, 2024. Accordingly, the revised ride-through requirements in the Nodal Operating Guides (NOG) are currently in effect. ERCOT has developed an intake process for data associated with the requirements established through NOGRR 245 and this DocuSign document implements that process.

**NOTE: IF YOU INTEND TO REQUEST AN EXEMPTION OR EXTENSION FOR YOUR RESOURCE, YOU MUST SUBMIT THE REQUESTED INFORMATION BY MIDNIGHT ON APRIL 1, 2025 OR YOU WILL BE FOREVER BARRED FROM REQUESTING AN EXEMPTION OR EXTENSION.** See, Nodal Operating Guide § 2.11.1(2); § 2.11.2(2) and § 2.12.1(2).

Submitter signature:  Signed by:  
Stewart Rake  
9A5025579524464...

Submitter name: **Stewart Rake**

Submitter title: Compliance Manager

Date: **4/1/2025**

General Comments:

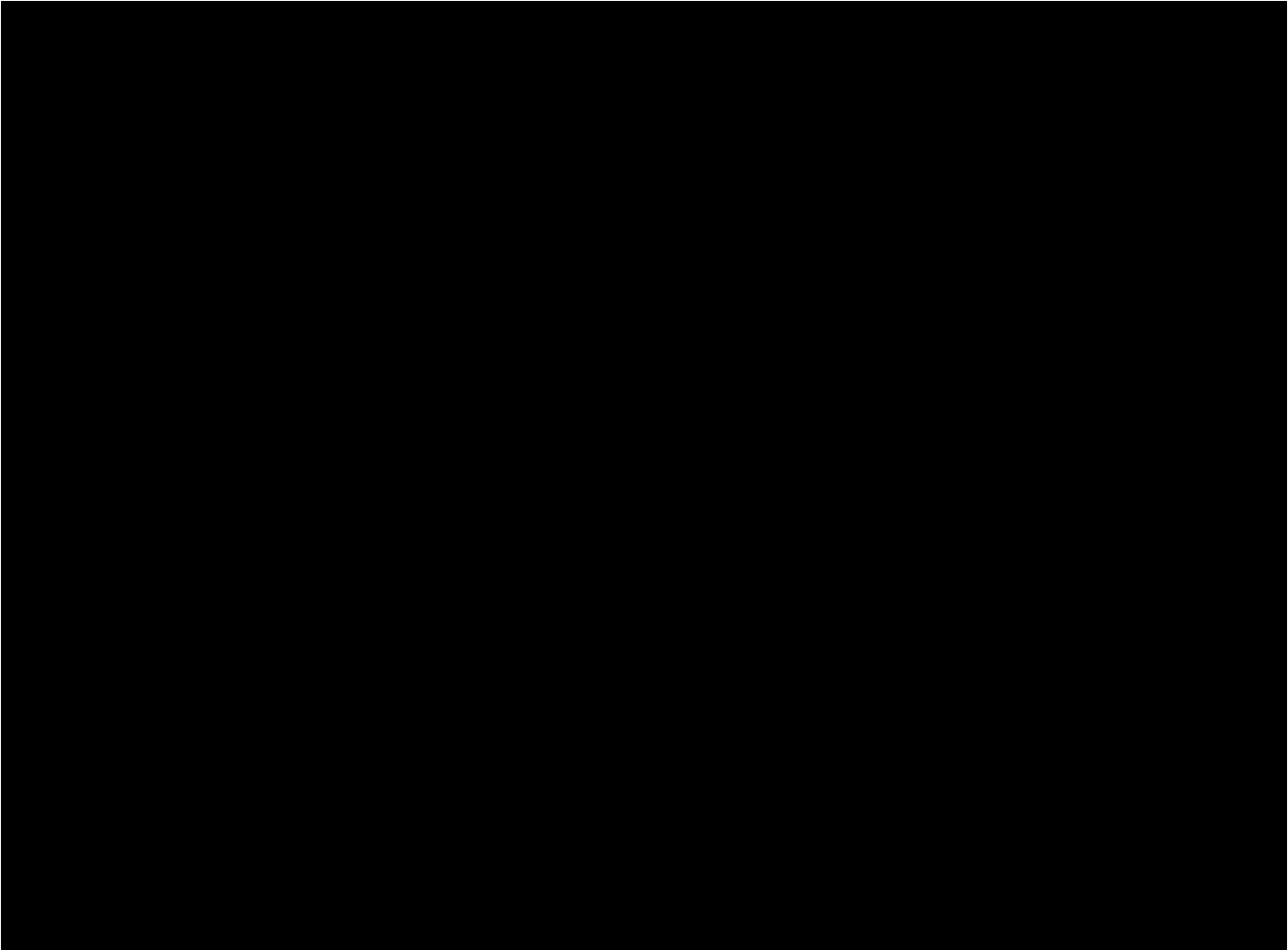
## General Information

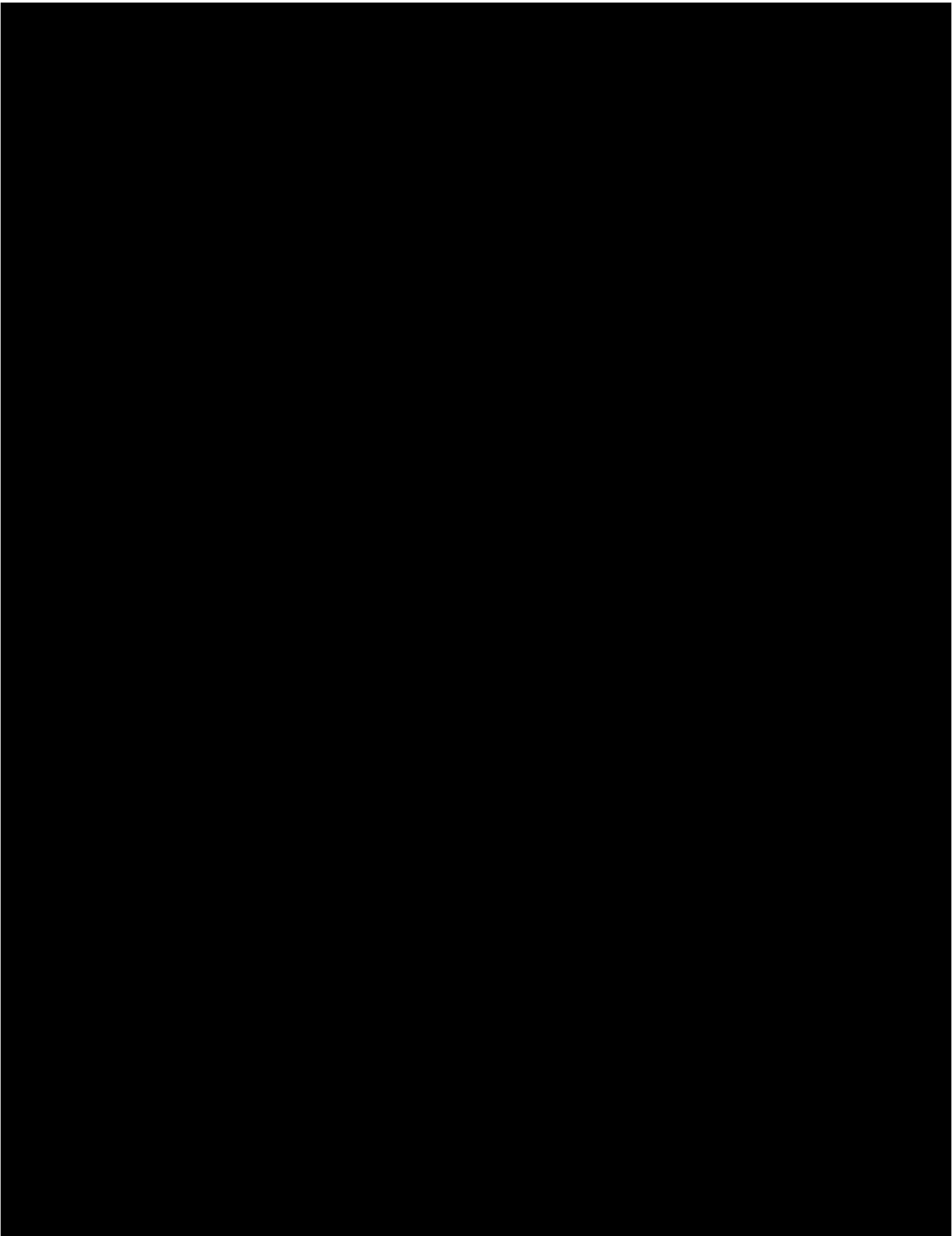
Pursuant to Public Utility Commission of Texas Electric Substantive Rule § 25.503(f)(10), ERCOT requests the following information to be returned to ERCOT on or before April 1, 2025.

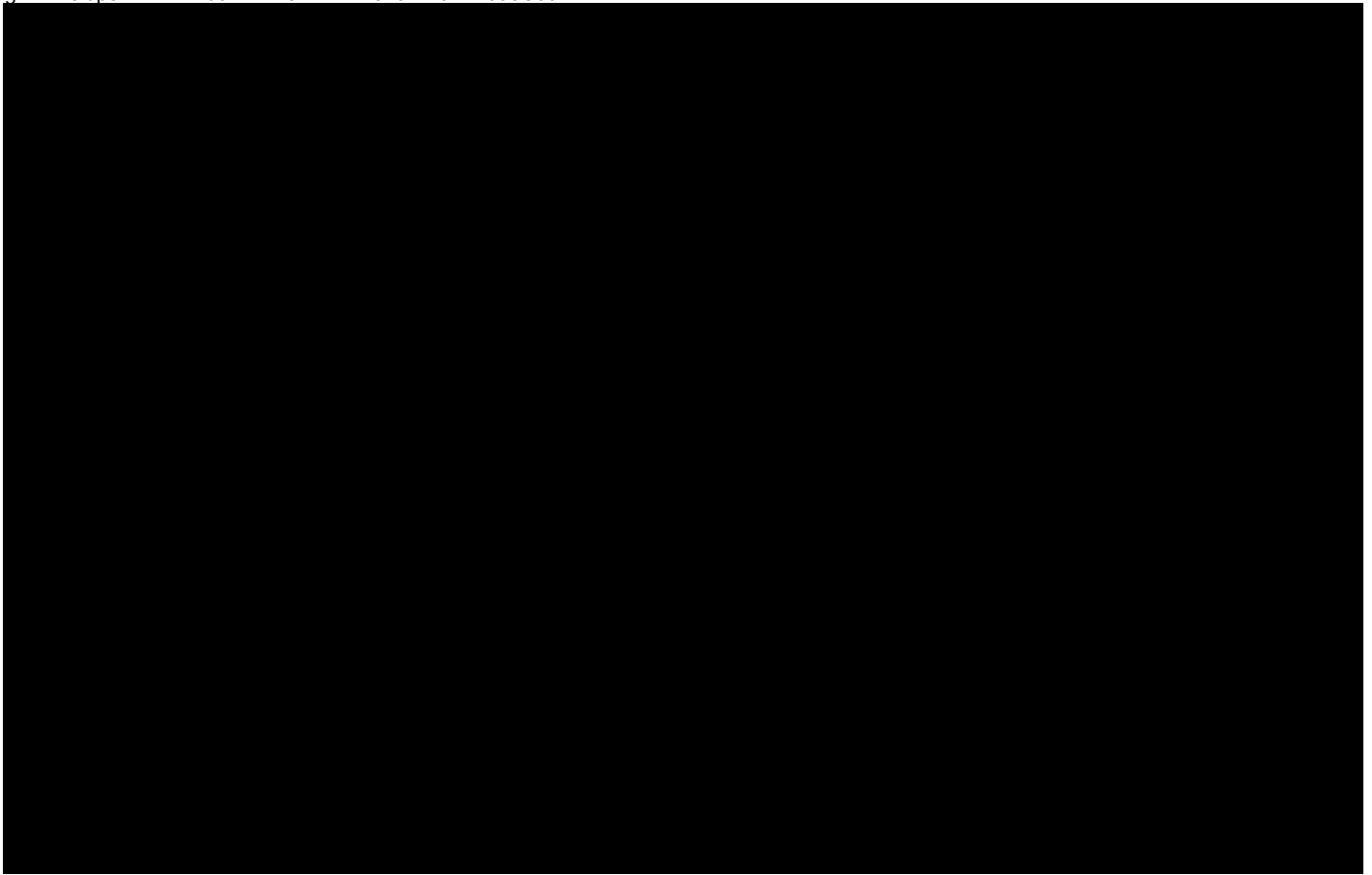
|                                                                                                                                                             |                               |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|
| Resource Entity Name:                                                                                                                                       | UPTON COUNTY SOLAR 2 LLC (RE) |
| Resource Entity Data Universal Numbering System (DUNS) Number:                                                                                              |                               |
| Substation Name:                                                                                                                                            | CASL_GAP                      |
| Resource Name:                                                                                                                                              | CASL_GAP_UNIT1                |
| Fuel Type:                                                                                                                                                  | Solar (photovoltaic, thermal) |
| (if fuel type = wind) Wind Turbine Type:                                                                                                                    |                               |
| Does the Resource have a Standard Generation Interconnection Agreement (SGIA) date prior to August 1, 2024?                                                 | Yes                           |
| Has the Resource implemented any modification covered by ERCOT Planning Guide Section 5.2.1(1)(c) since its original Commercial Operation Date (COD)?       | No                            |
| Was the most recent Generation Interconnection or Modification (GIM) covered by ERCOT Planning Guide Section 5.2.1(1)(c) initiated prior to August 1, 2024? |                               |

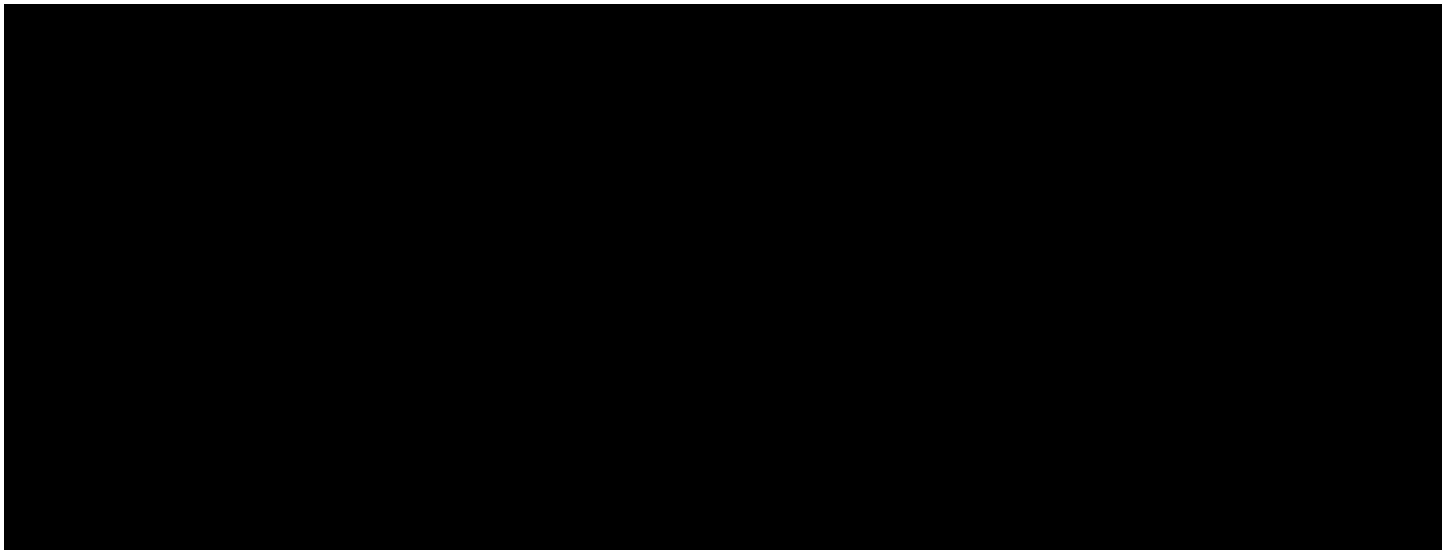
Comments:

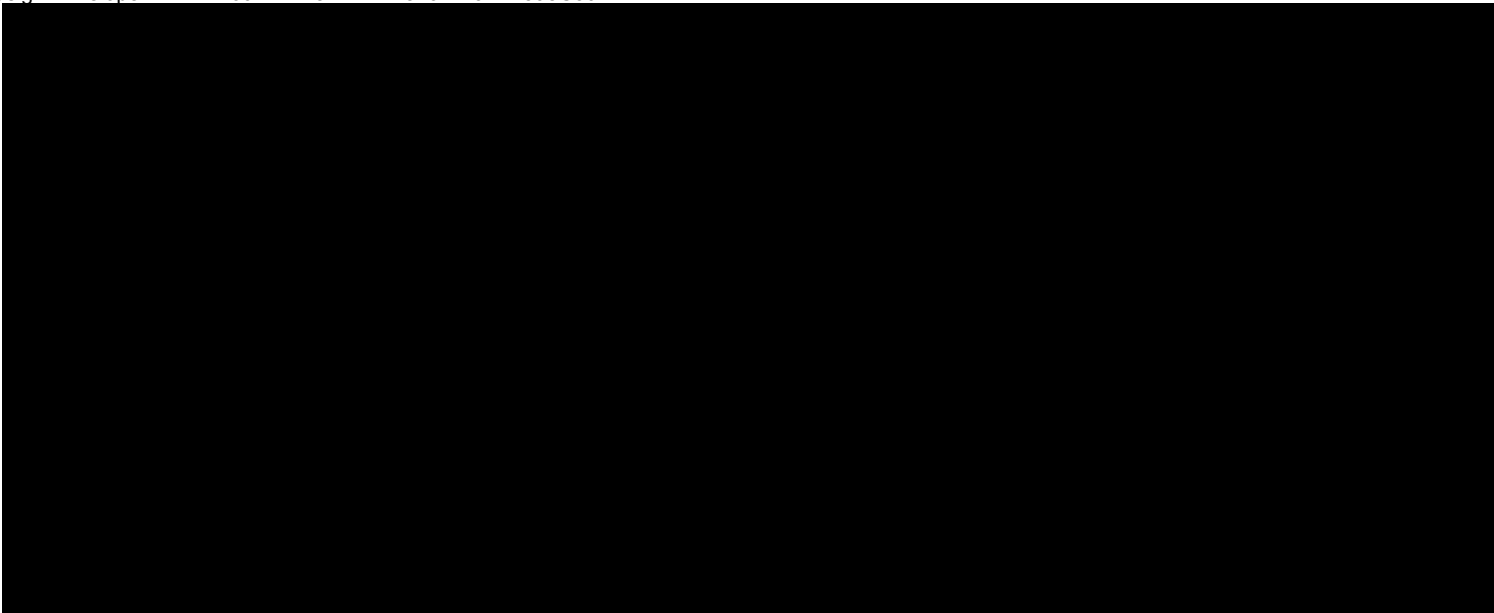


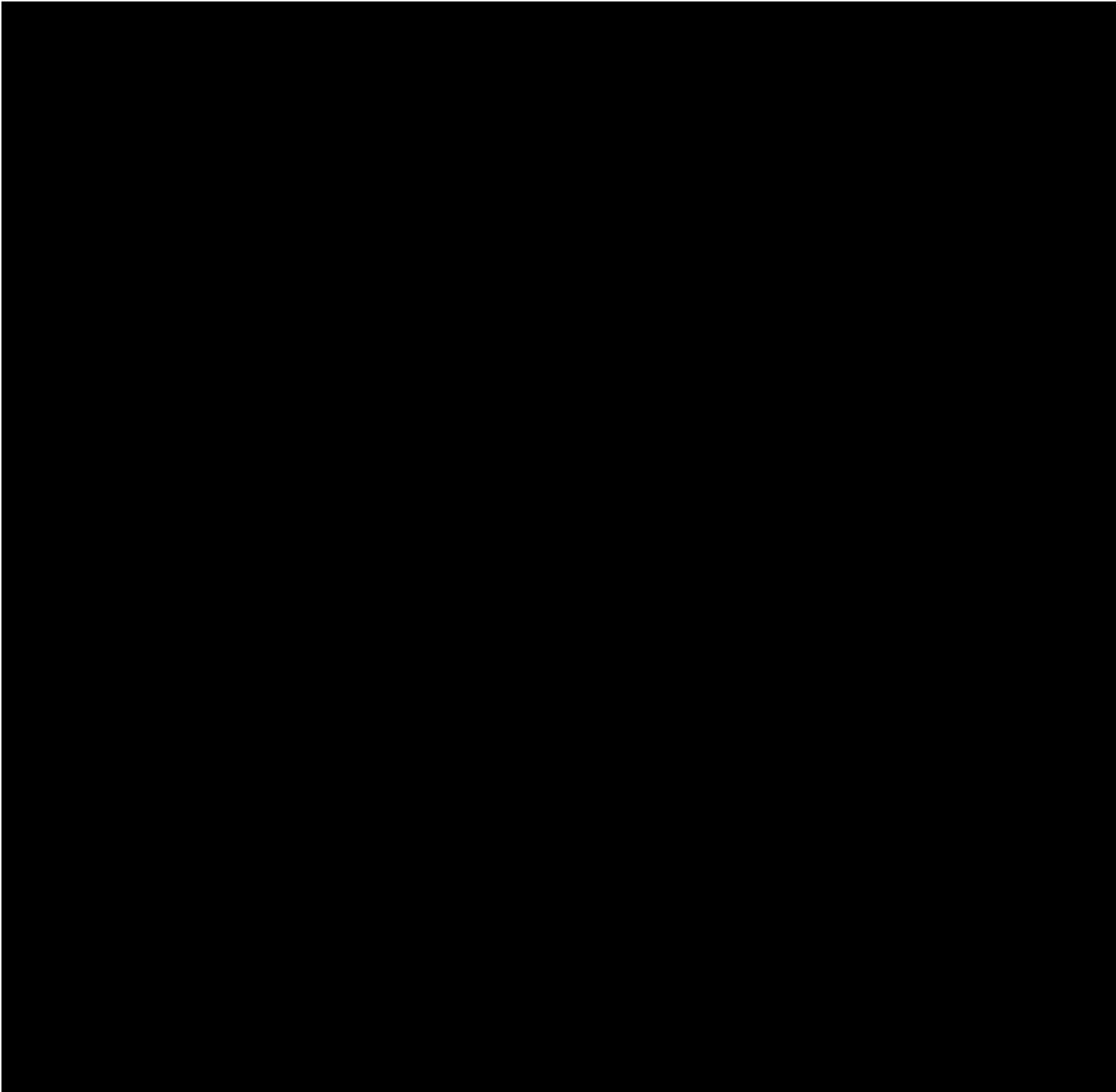


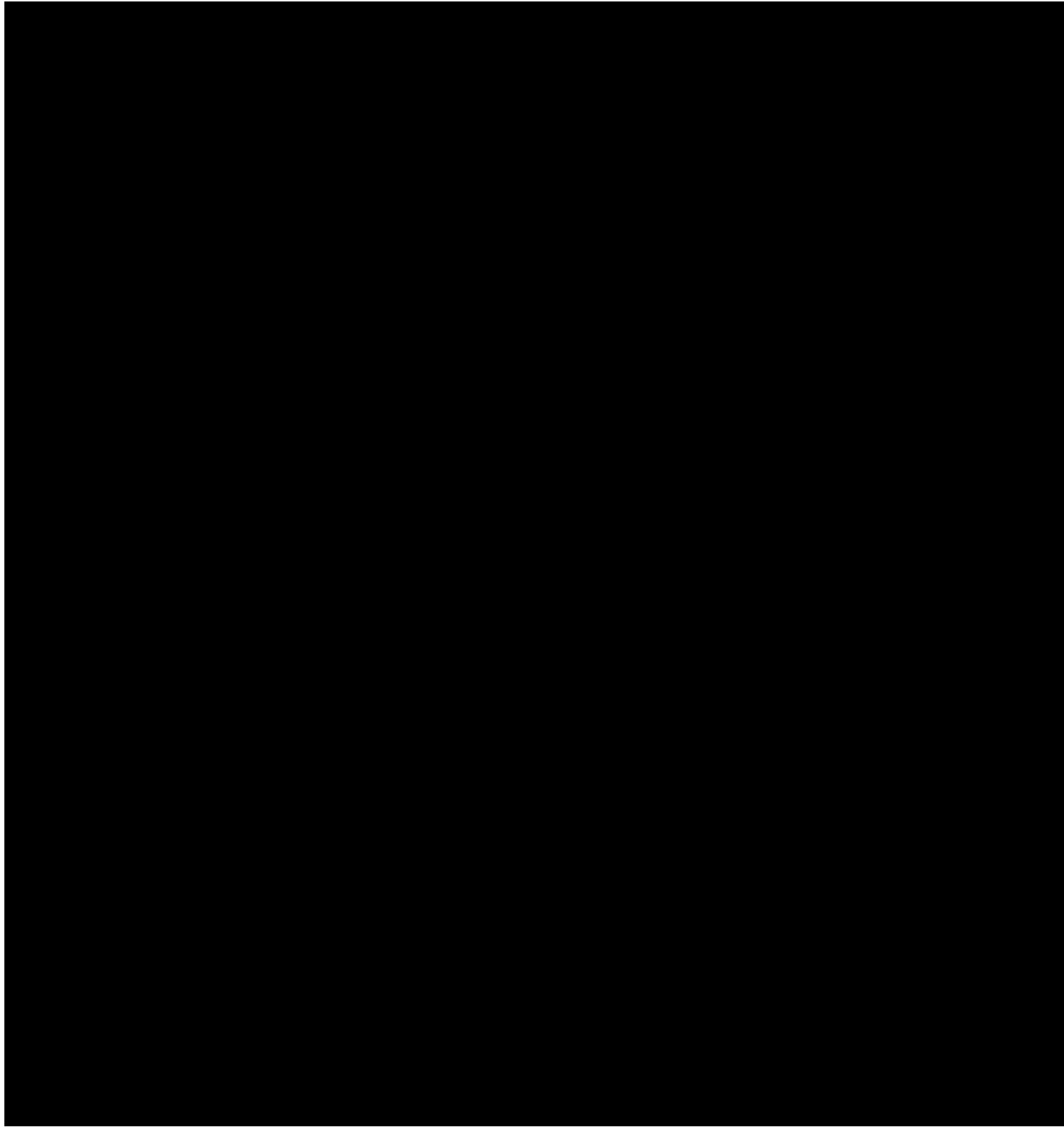


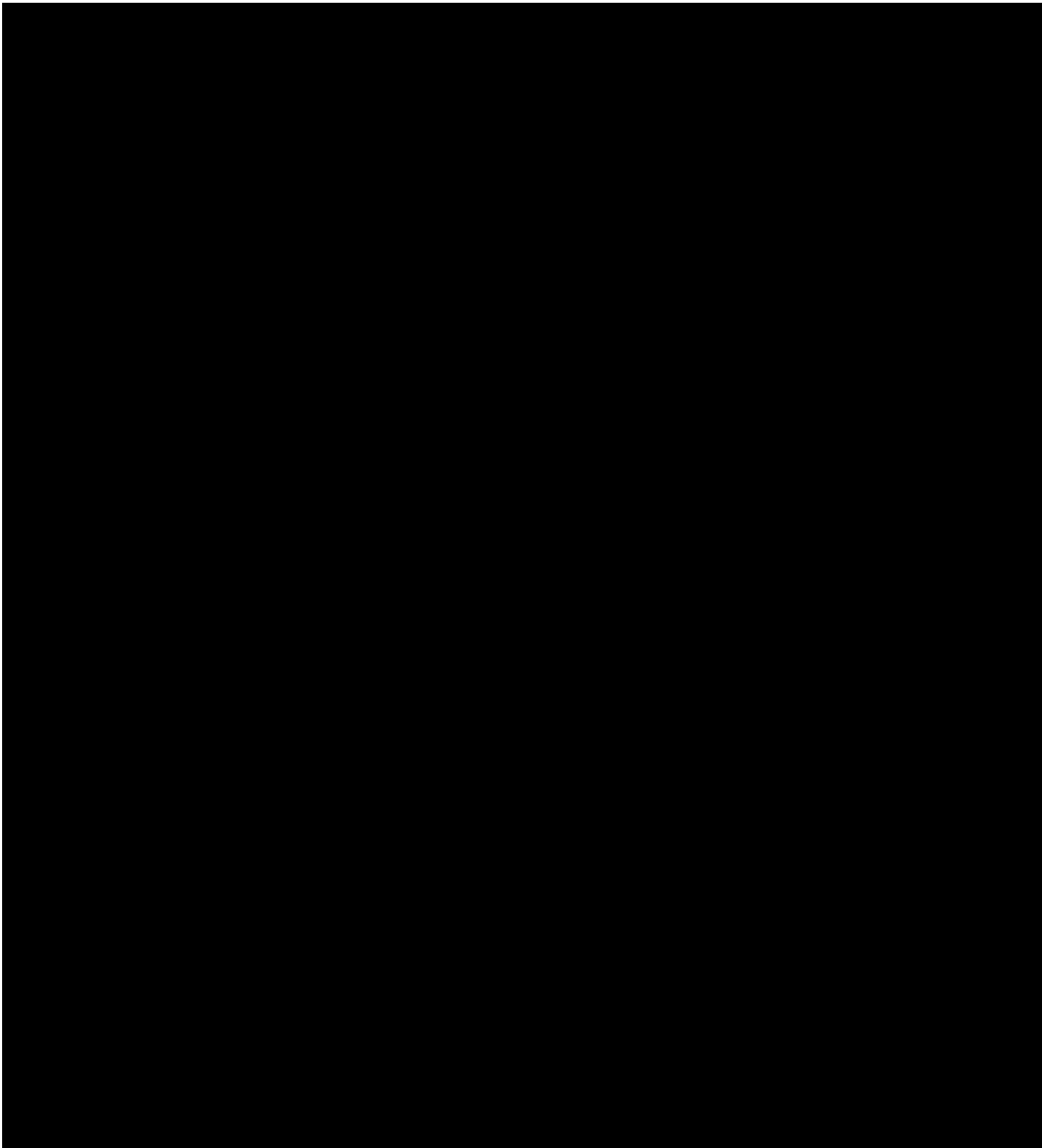






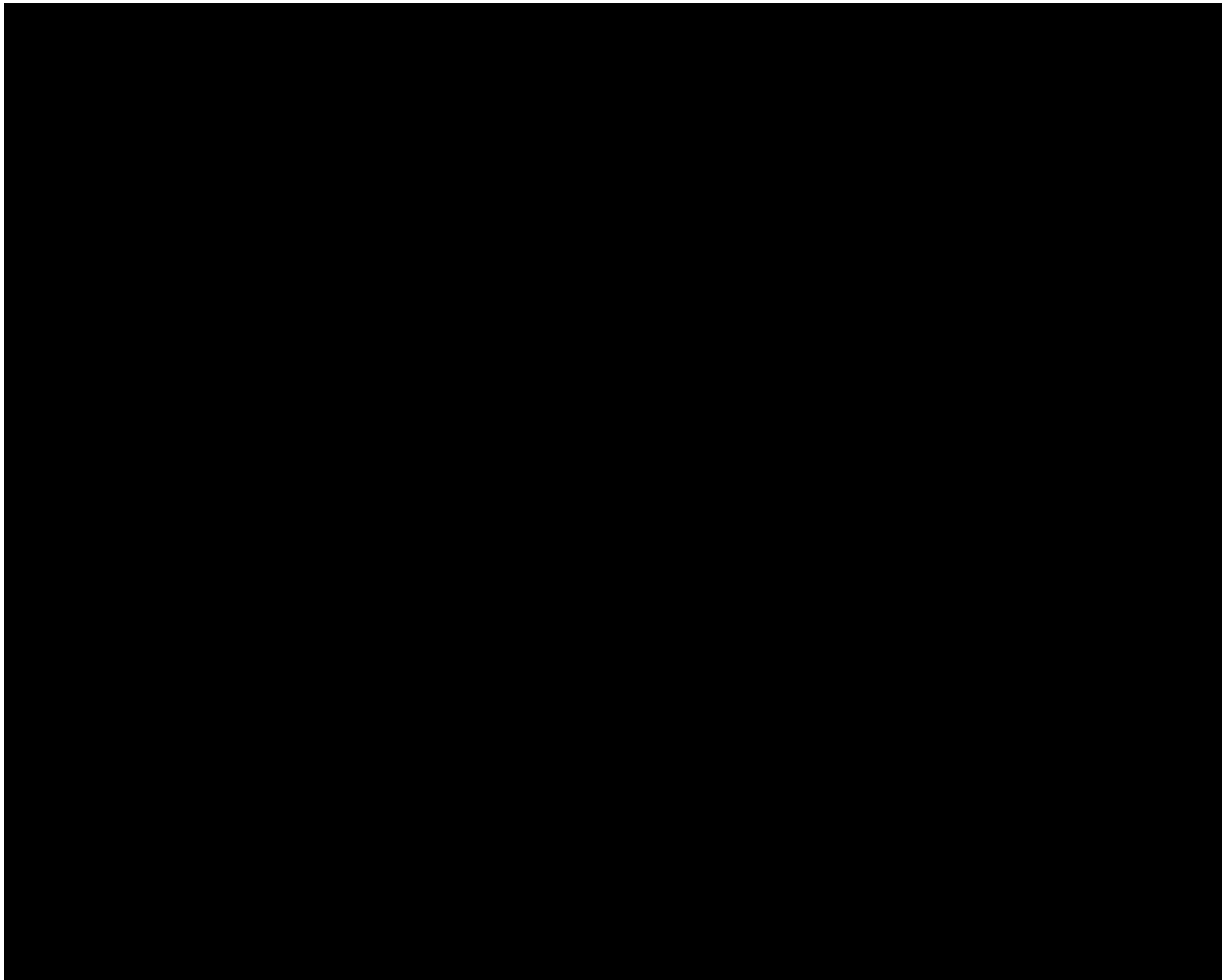


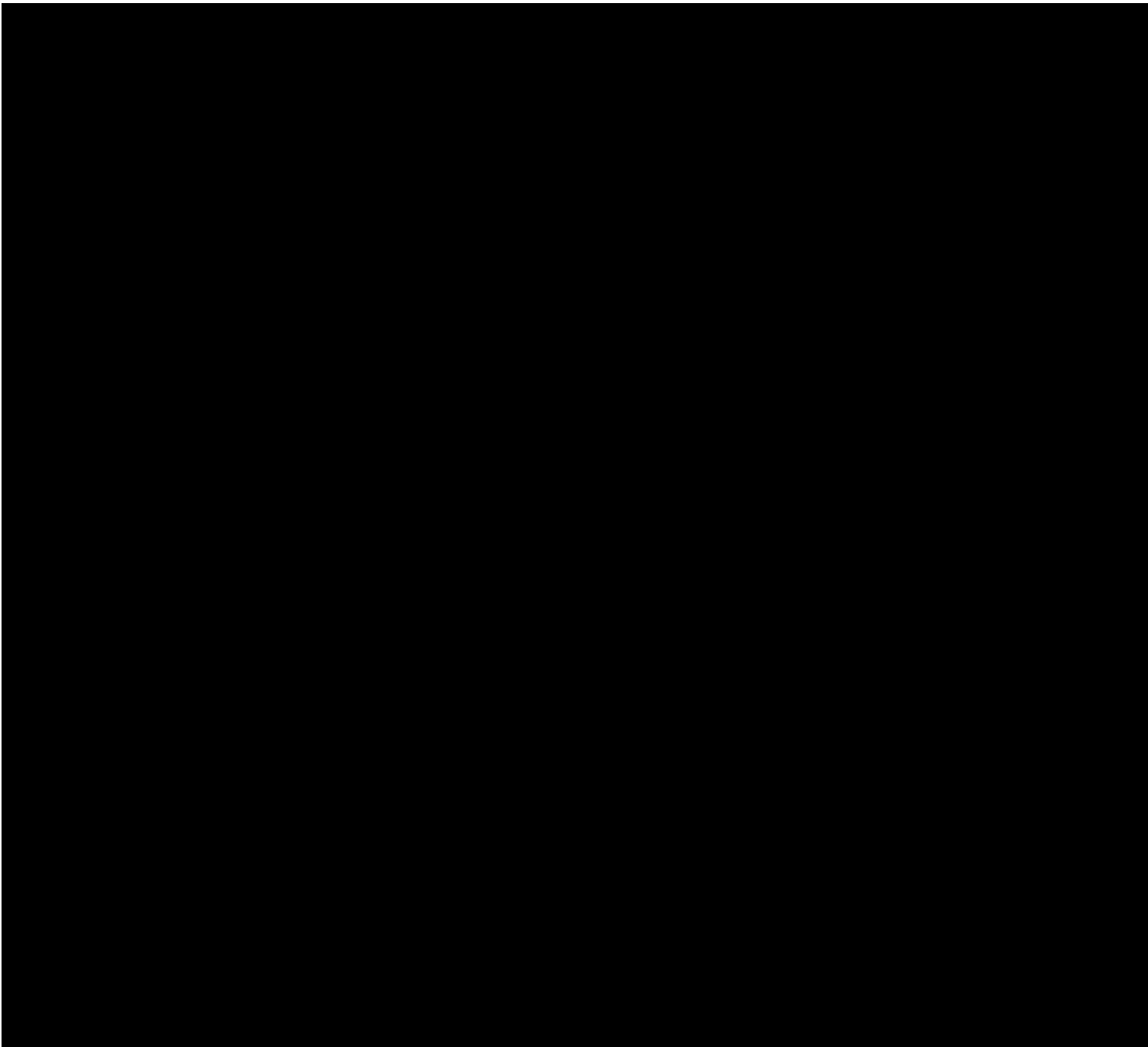


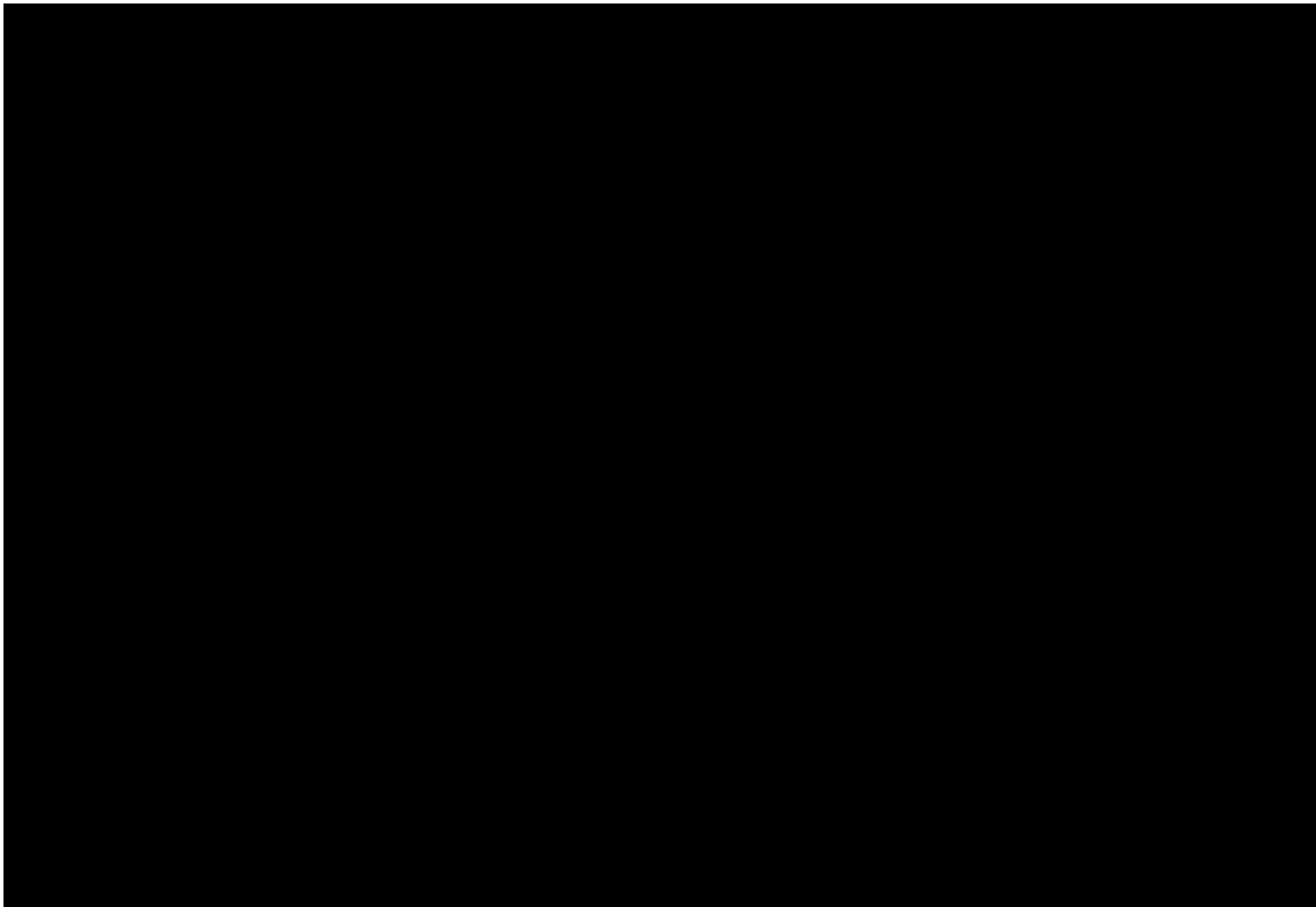


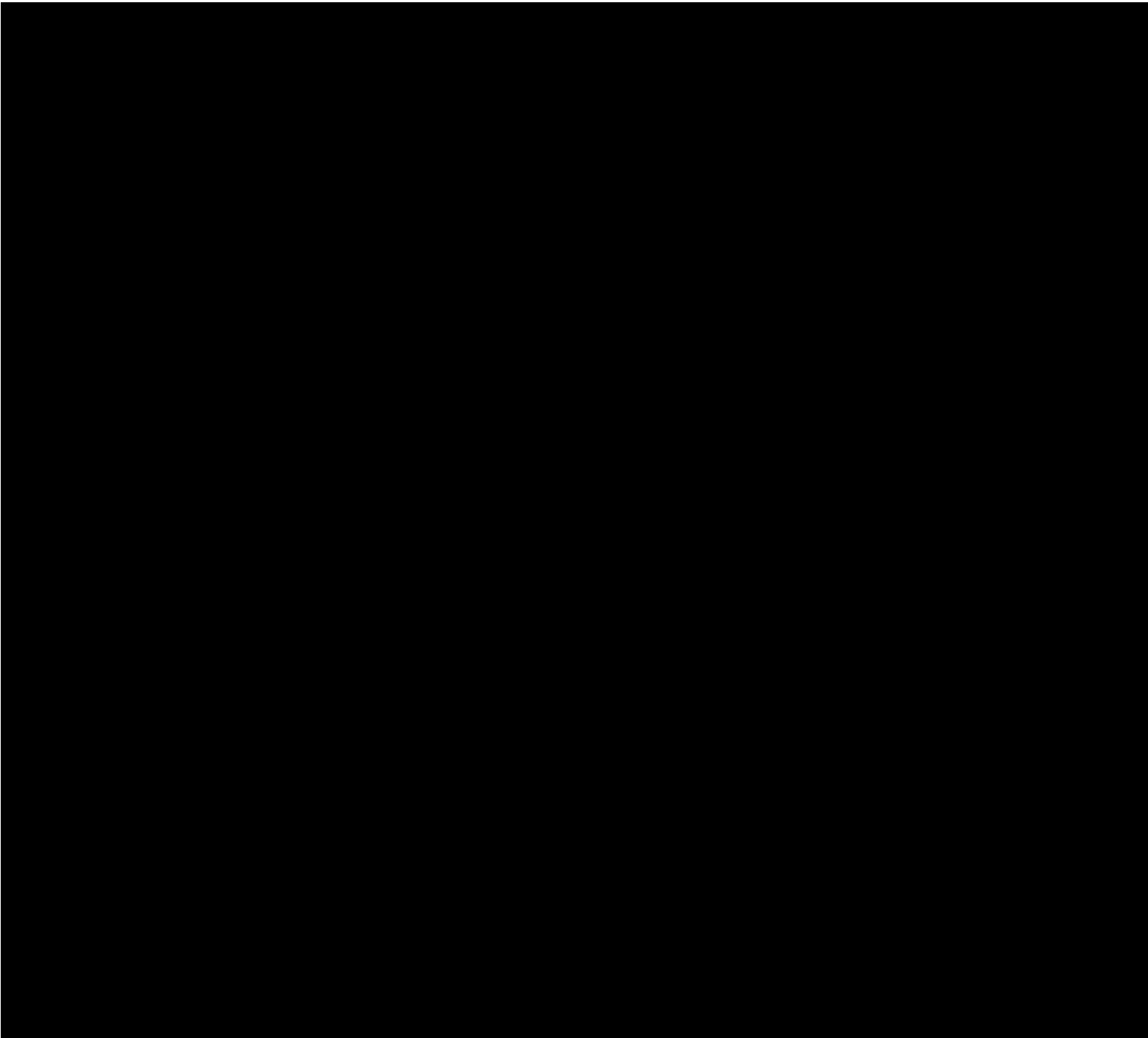


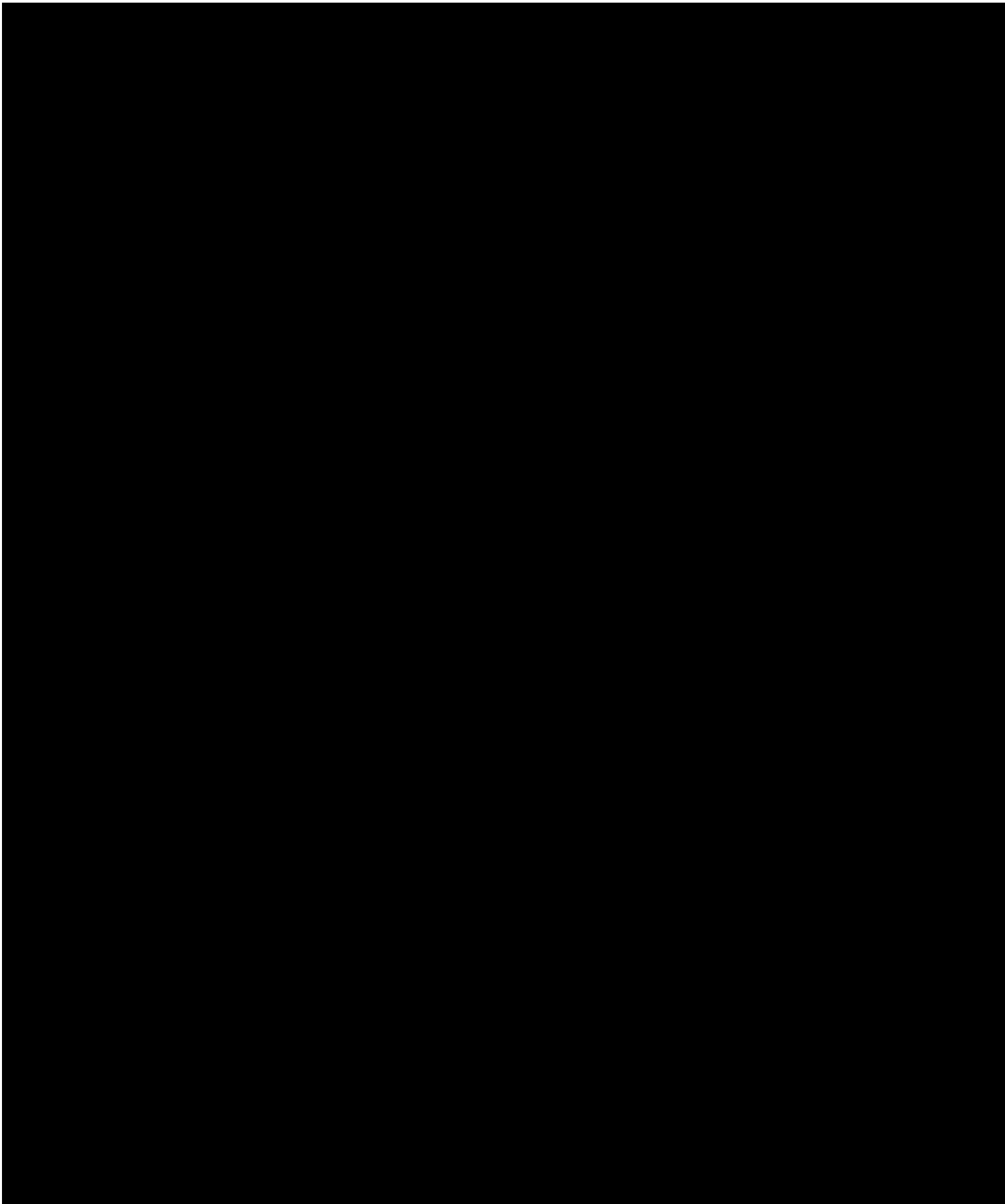


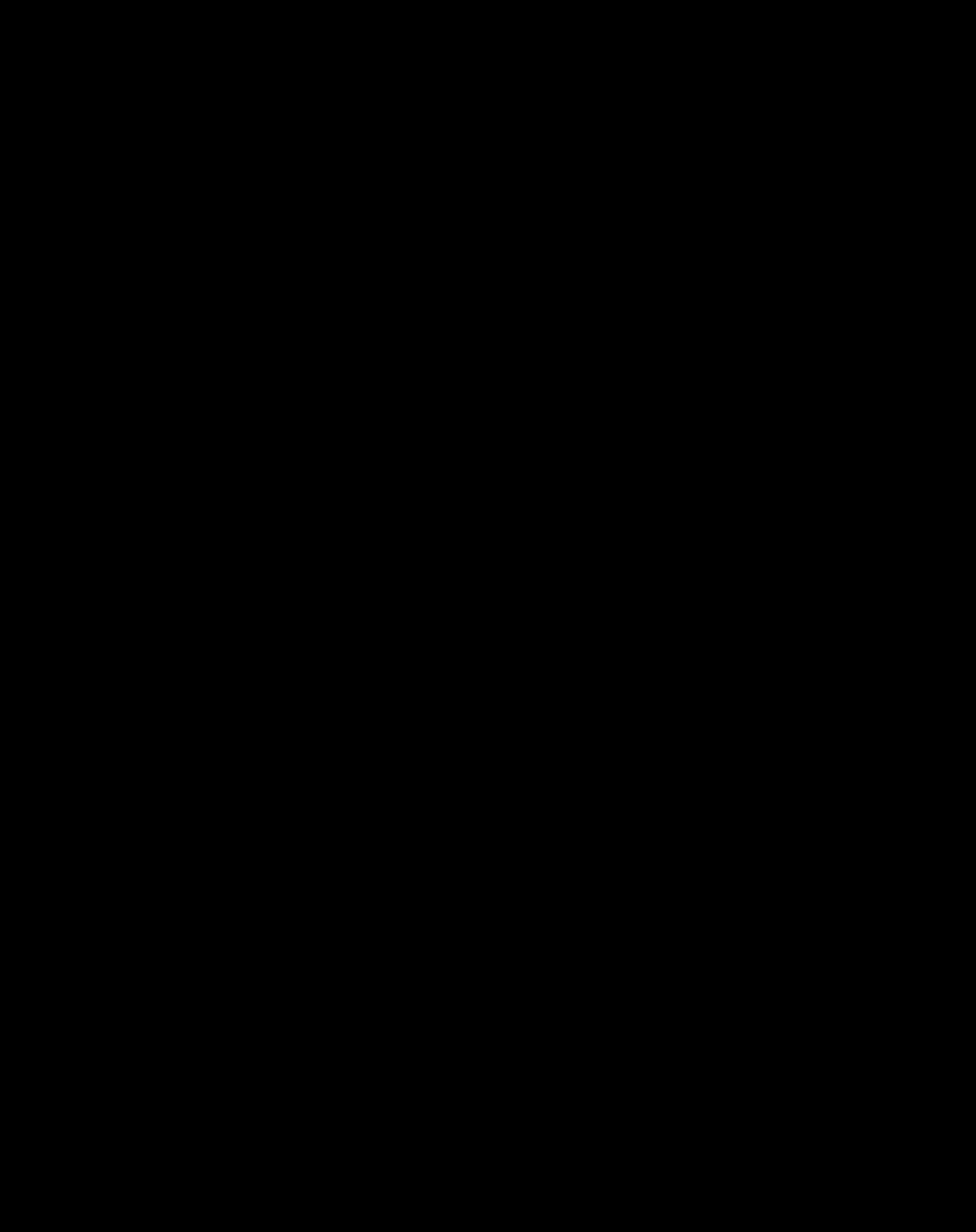






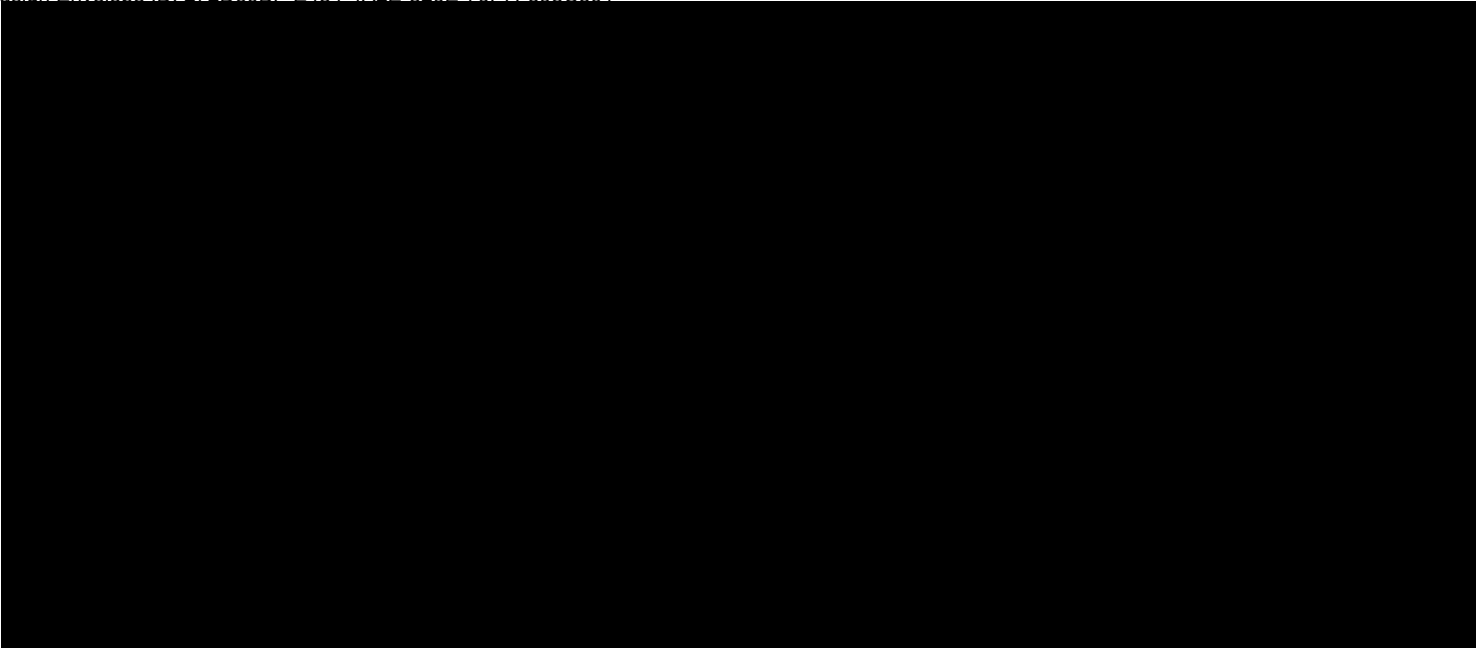


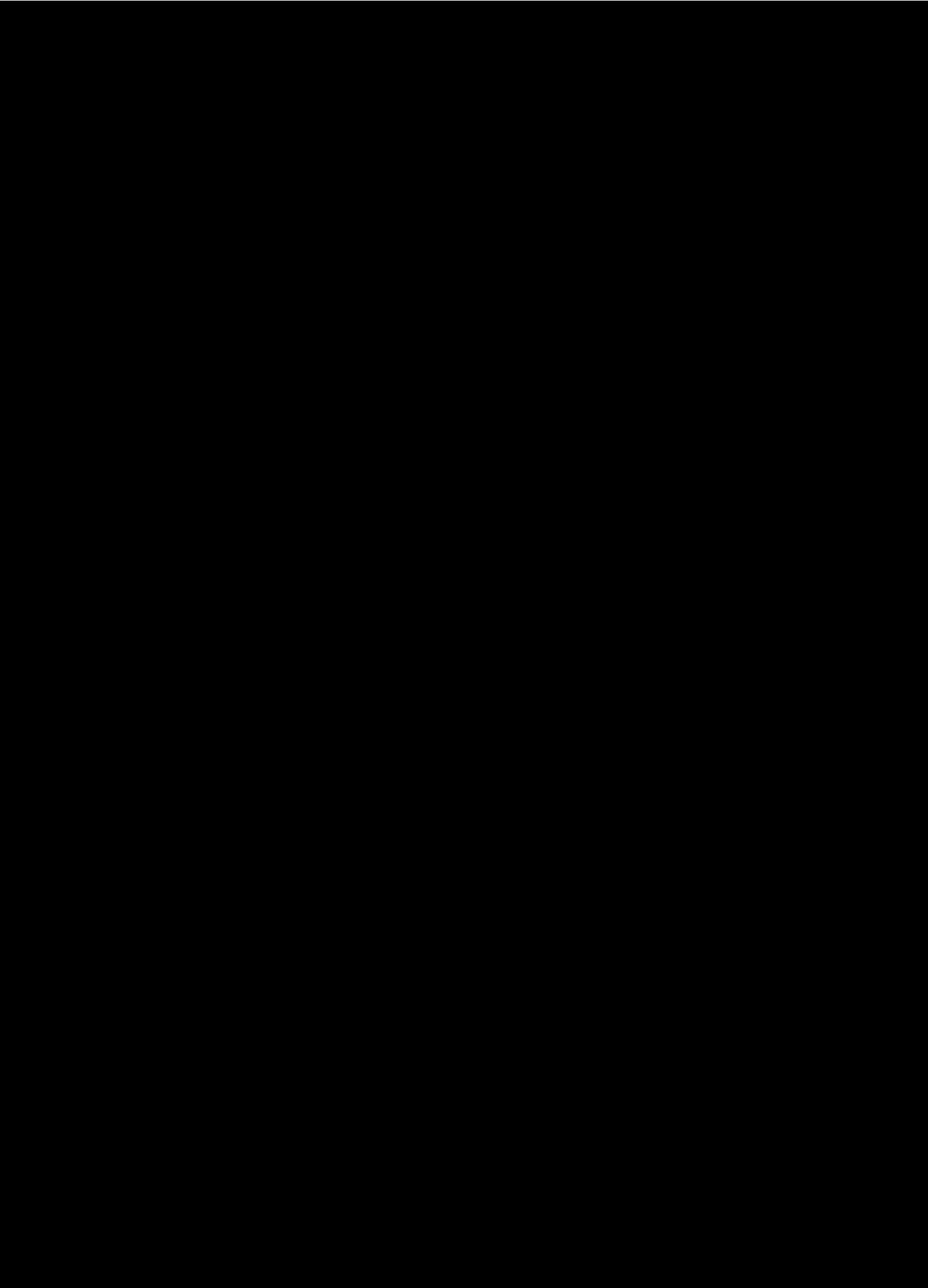


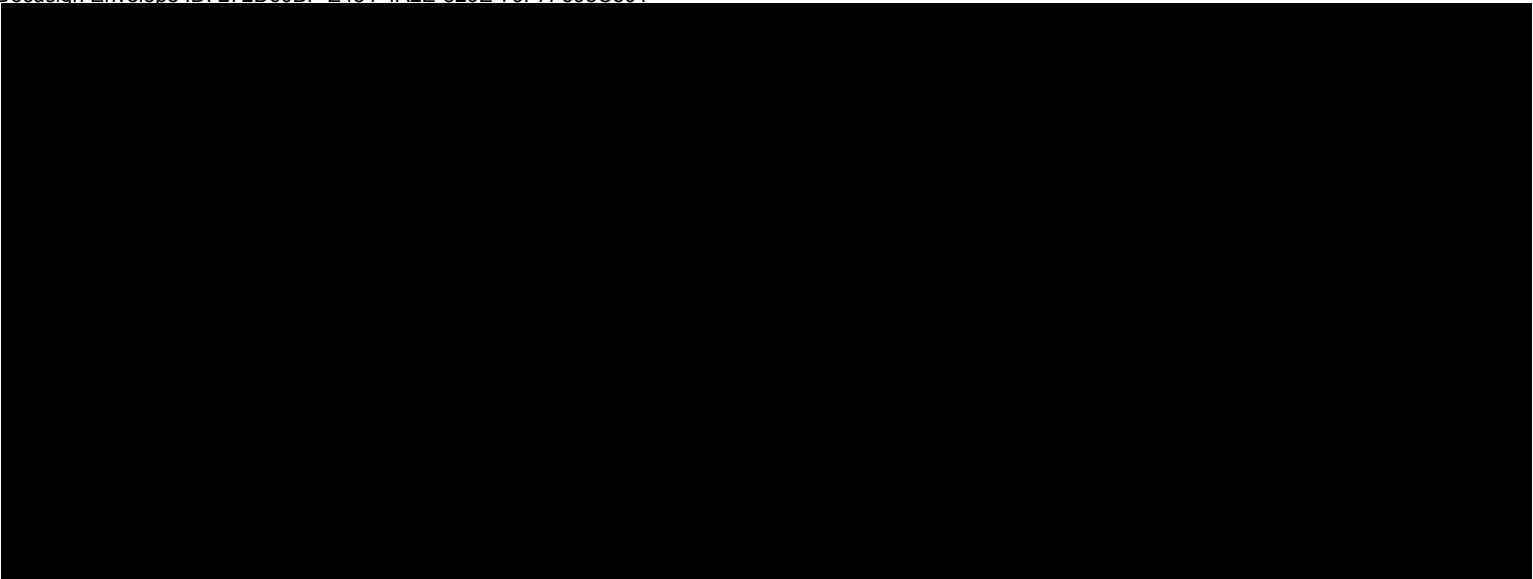


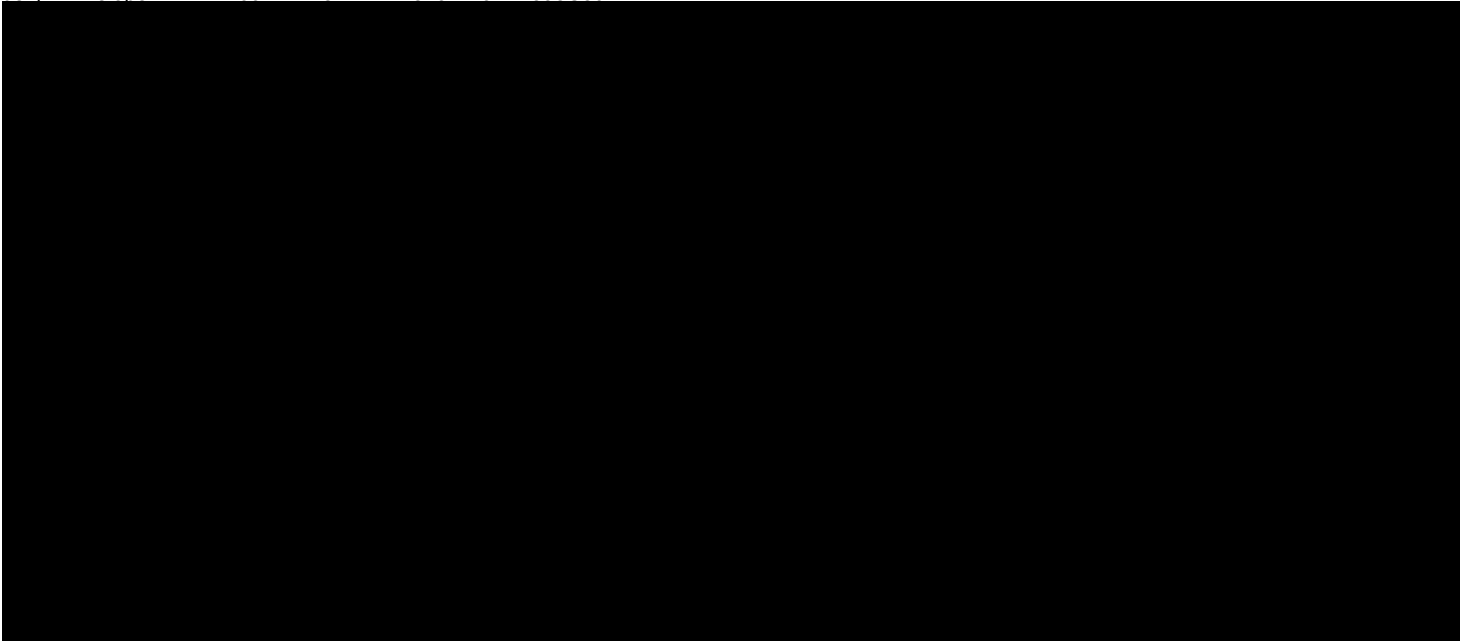


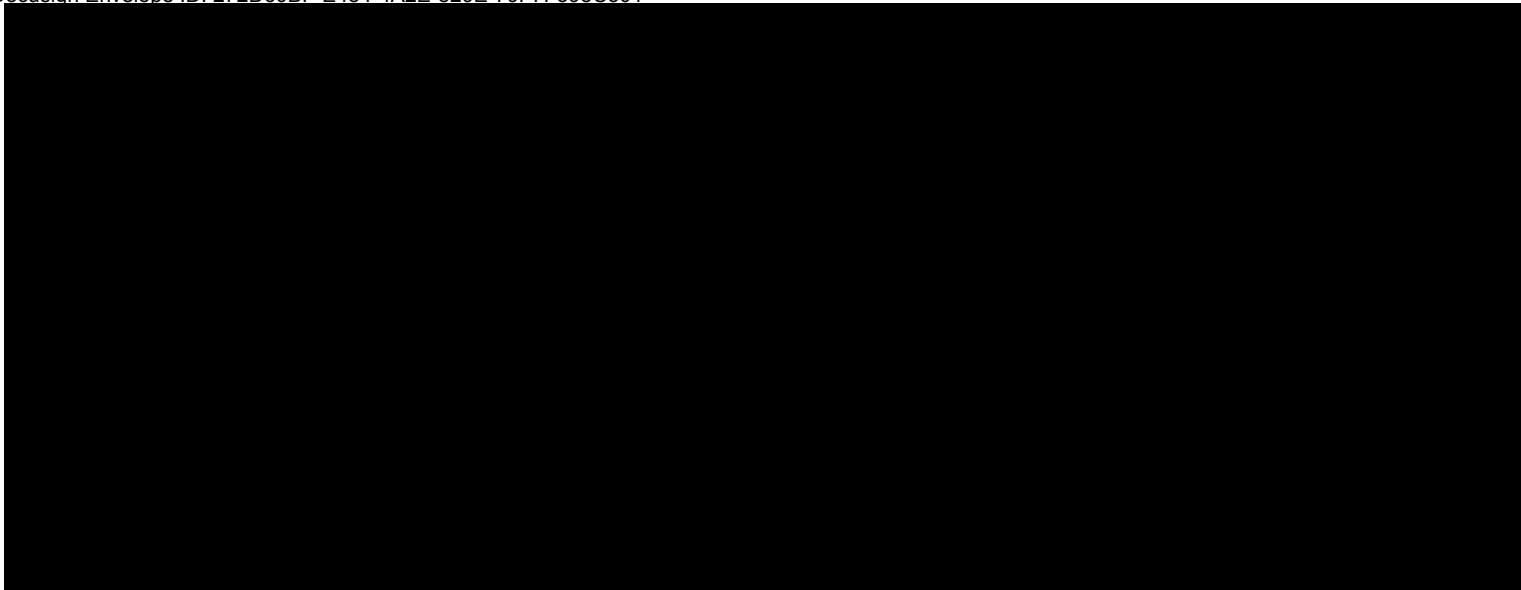






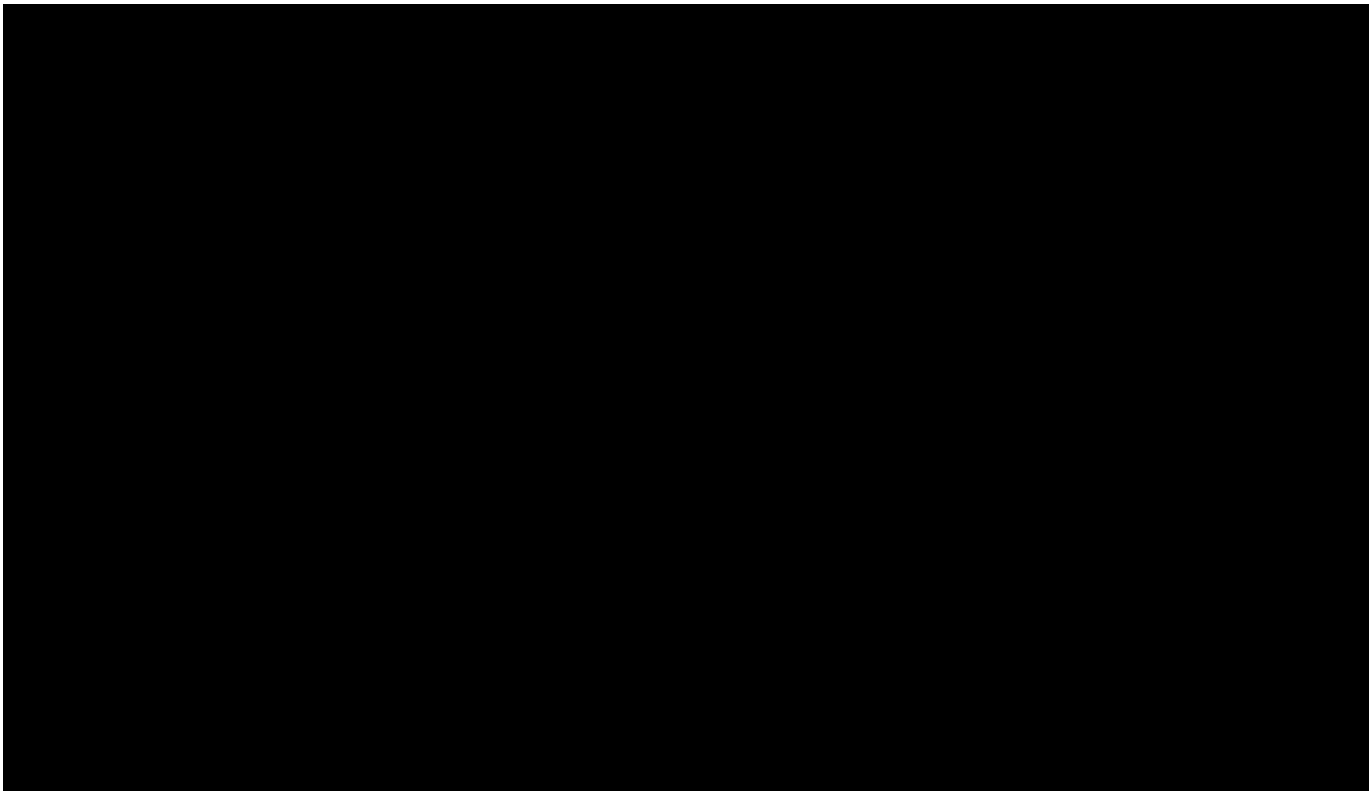






General Comments or Attachments:





# **Attachment C**

**September 15, 2025  
Supplemental Extension  
Submission**



**From:** [ERCOT via Docusign](#)  
**To:** [Bonskowski, Ned](#)  
**Subject:** Completed: RFI - 2025 NOGRR245 - Data Submission for CASL\_GAP\_UNIT1  
**Date:** Monday, September 15, 2025 2:04:40 PM  
**Attachments:** [NOGRR245 RFI 2 Template for Docusign v8.docx.pdf](#)  
[CASL\\_GAP\\_UNIT1 Software Revision Plan for ERCOT compliance.pdf](#)  
[\(q\) attachment.pdf](#)  
[\(q\) attachment.pdf](#)

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### ERCOT

[docusign@ercot.com](mailto:docusign@ercot.com)

All parties have completed RFI - 2025 NOGRR245 - Data Submission for CASL\_GAP\_UNIT1.

Please populate the 2025 NOGRR245 - Data Submission RFI as requested for UPTON COUNTY SOLAR 2 LLC (RE) - CASL\_GAP\_UNIT1

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(Market Notice: M-A010825-07)

**Resource Entity (RE), Interconnecting Entity (IE):**

UPTON COUNTY SOLAR 2 LLC (RE)

**Resource Name or Project Name:**

CASL\_GAP\_UNIT1

**DocuSign Instructions:**

- Responses are due on or before September 15th, 2025.
- Only one person can provide responses.
- The document can be forwarded or “Assigned to Someone Else” via the “Other Actions” menu at the top of the DocuSign web page.
- Please contact [NOGRR245@ercot.com](mailto:NOGRR245@ercot.com) with any additional questions.

**Background Information:**

Refer to Market Notices [M-A010825-06](#) and [M-A010825-07](#) for background information.

**NOTE: IF YOU ALREADY REQUESTED AN EXEMPTION OR EXTENSION FOR YOUR RESOURCE ON OR BEFORE APRIL 15, 2025, YOU MUST SUBMIT THE INFORMATION REQUESTED BELOW BY MIDNIGHT ON SEPTEMBER 15TH, 2025 OR YOU WILL BE FOREVER BARRED FROM REQUESTING AN EXEMPTION OR EXTENSION.** See, Nodal Operating Guide § 2.11.1(2); § 2.11.2(2) and § 2.12.1(2).

Submitter signature:  Signed by:  
Stewart Rake  
9A5025579524464...

Submitter name: Stewart Rake

Submitter title: Compliance Manager

Date: 9/15/2025

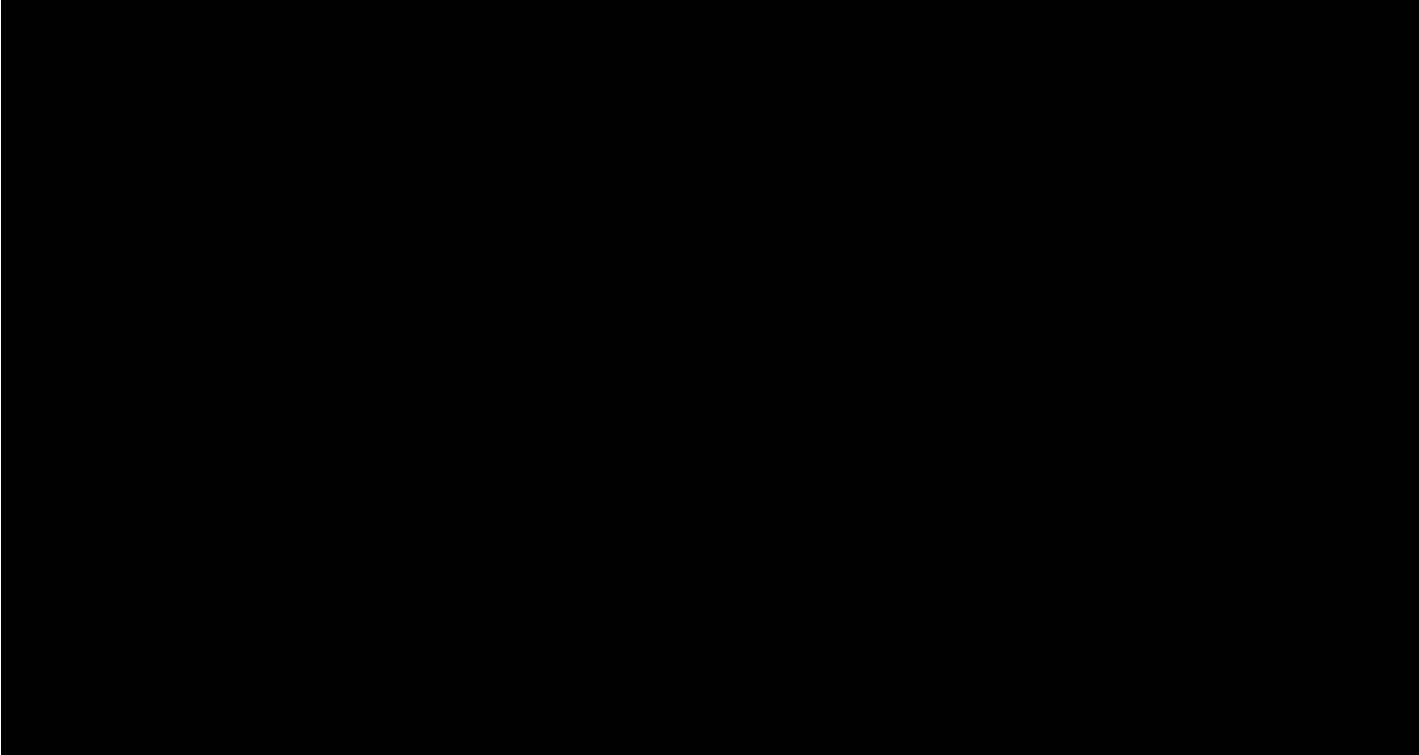
General Comments (4000 Character Limit, attach supporting documentation as needed):

A large black rectangular redaction box covering the entire area where general comments would typically be entered.



**Frequency Ride-Through**

FRT-1



## Frequency Ride-Through

FRT-2

(d) Nodal Operating Guide Section(s) with which the Resource cannot comply (4000 Character Limit):

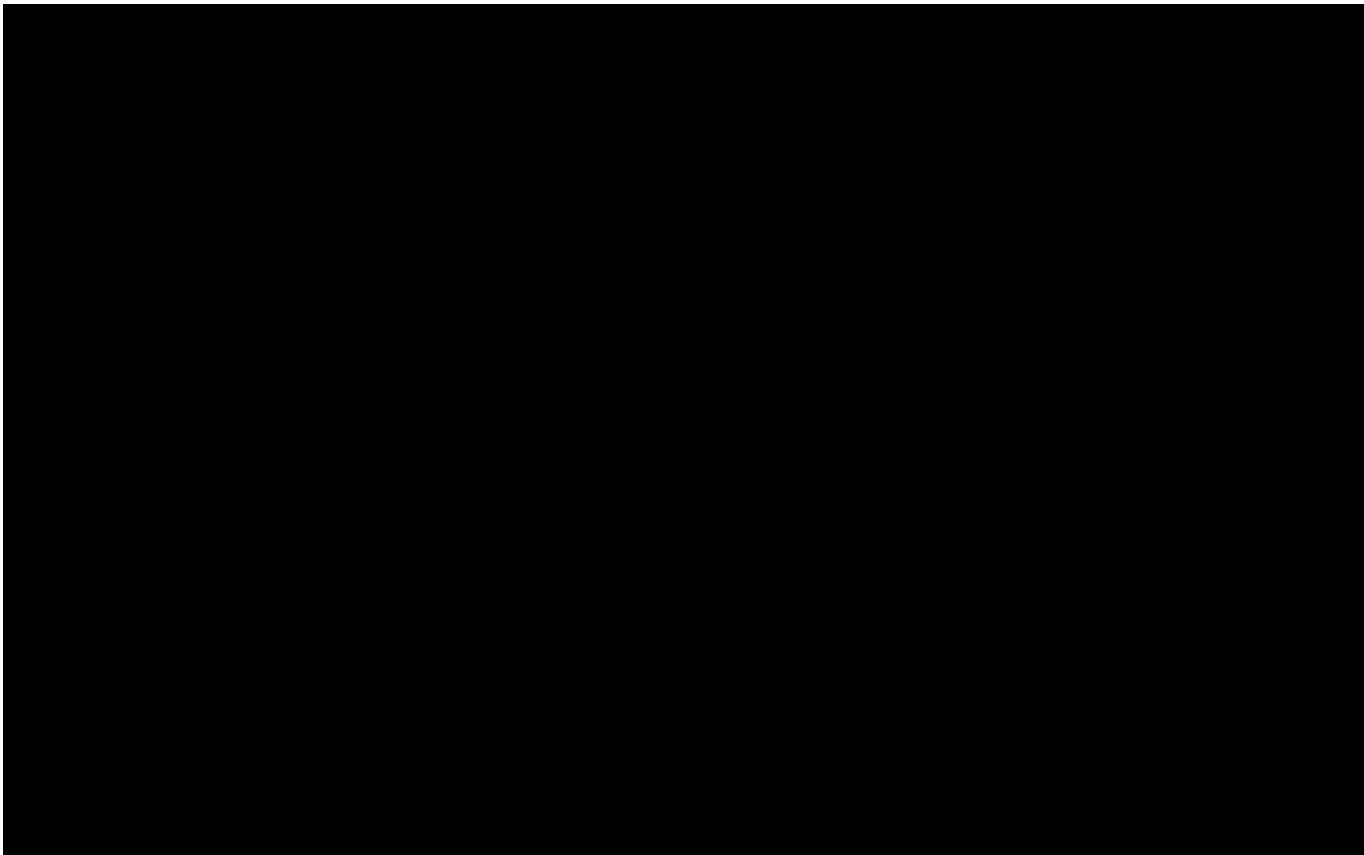
There will be no known frequency ride-through limitations following installation of updated inverter software on November 20, 2026.

Frequency Ride-Through

(e) Current frequency ride-through capability in a format similar to the table in Nodal Operating Guide (NOG) Section 2.6.2.1(1):

Instructions:  
Use 99999 to indicate “continuous”  
Use 88888 to indicate “Will Trip”  
Use 77777 for “Not Known”

If you need to use any other generic numbers, be sure to indicate the definition of the numbers here:





## Frequency Ride-Through

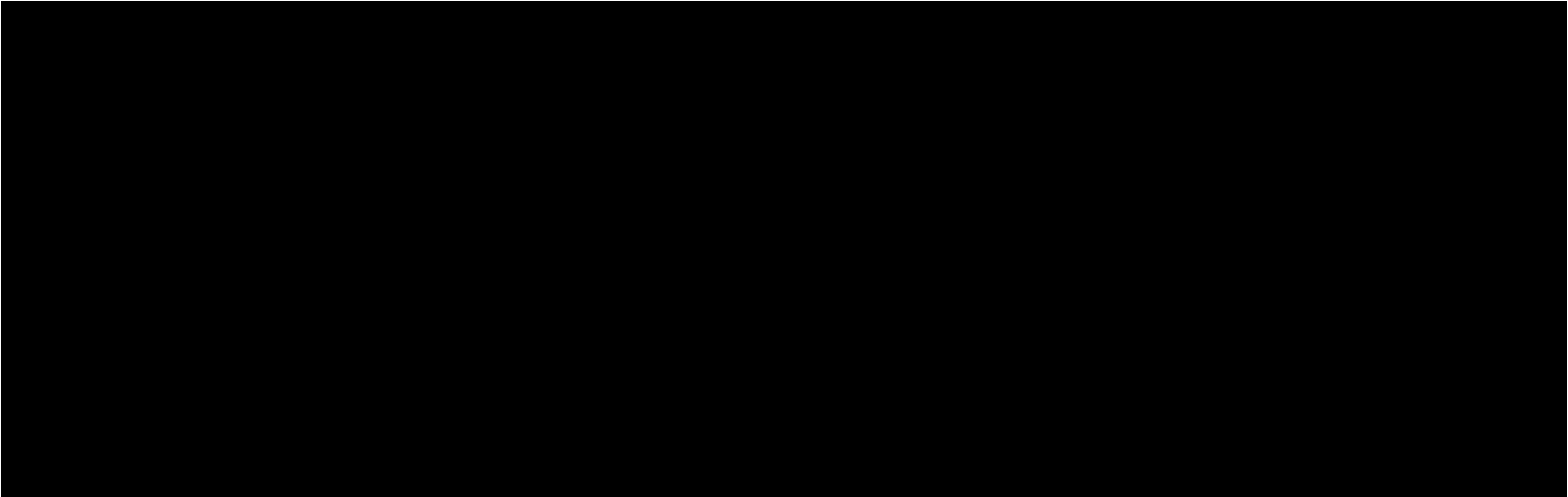
FRT-4

- (f) Known frequency ride-through limitations of the Resource as compared to the requirements in NOG Sections 2.6.2.1(1)-(5) [**NOTE:** Be specific] (4000 Character Limit):

There will be no known frequency ride-through limitations following installation of updated inverter software on November 20, 2026.

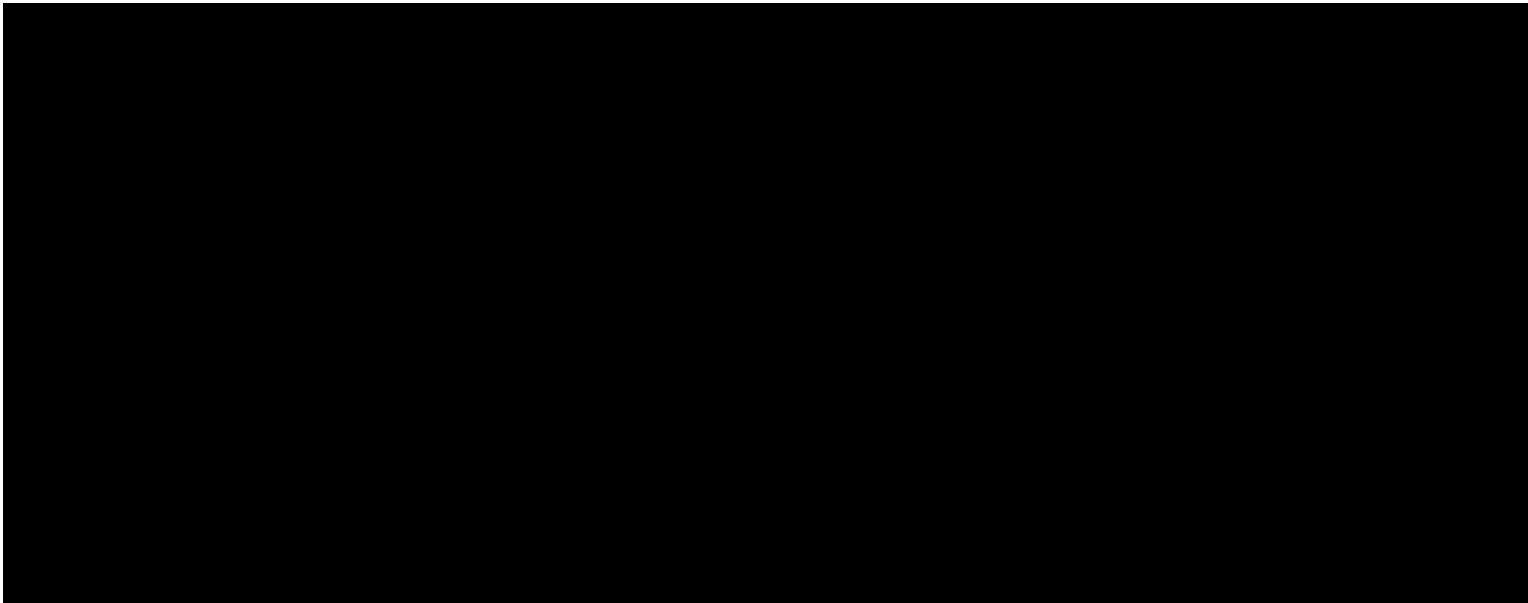
**Frequency Ride-Through**

FRT-5



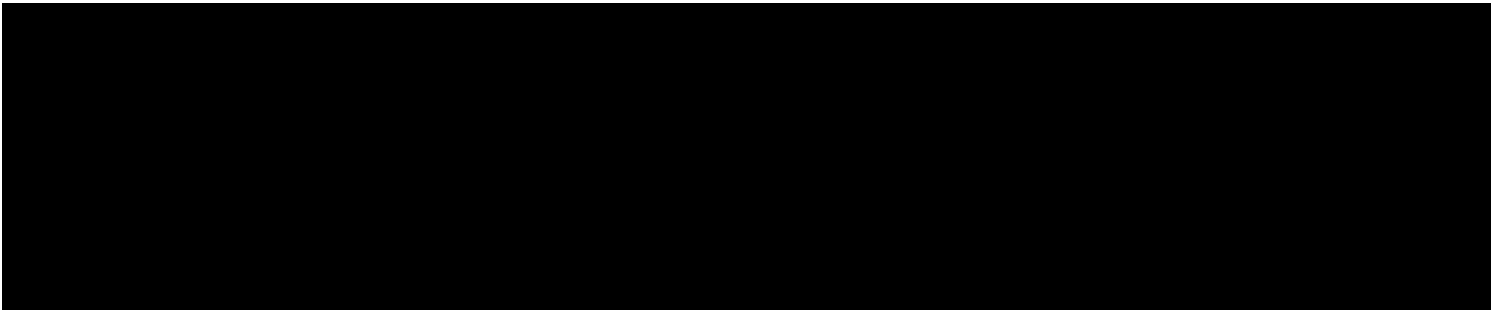
**Frequency Ride-Through**

FRT-6



**Frequency Ride-Through**

FRT-7



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

## Frequency Ride-Through

FRT-9

- (j) Expected **post-modification** Resource capability in a format similar to the table in Section 2.6.2.1(1) and **documentation of** any expected remaining limitation(s) following implementation of such modifications:

Instructions:

Use 99999 to indicate “continuous”

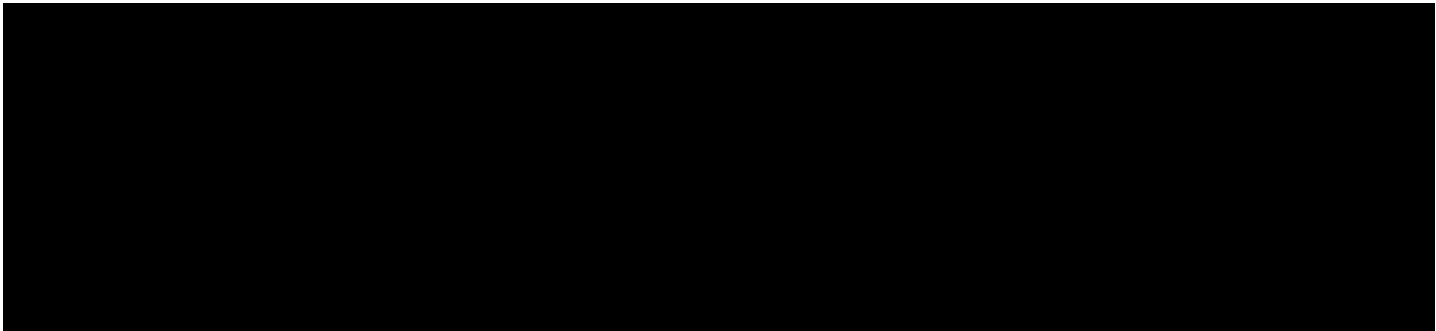
Use 88888 to indicate “Will Trip”

Use 77777 for “Not Known”

If you need to use any other generic numbers, be sure to indicate the definition of the numbers here:

**Frequency Ride-Through**

FRT-10



**Frequency Ride-Through**

FRT-11

- (l) **A model accurately representing expected performance reflecting all technical limitations** or a statement there are no new models available because the Resource is requesting an exemption and the current model submitted to ERCOT already reflects all technical limitations in frequency ride-through capability (4000 Character Limit) :

**[NOTE:** Submit via ERCOT's Resource Integration and Ongoing Operations (RIOO) System and provide the RIOO Change Request number here]



## Frequency Ride-Through

FRT-12

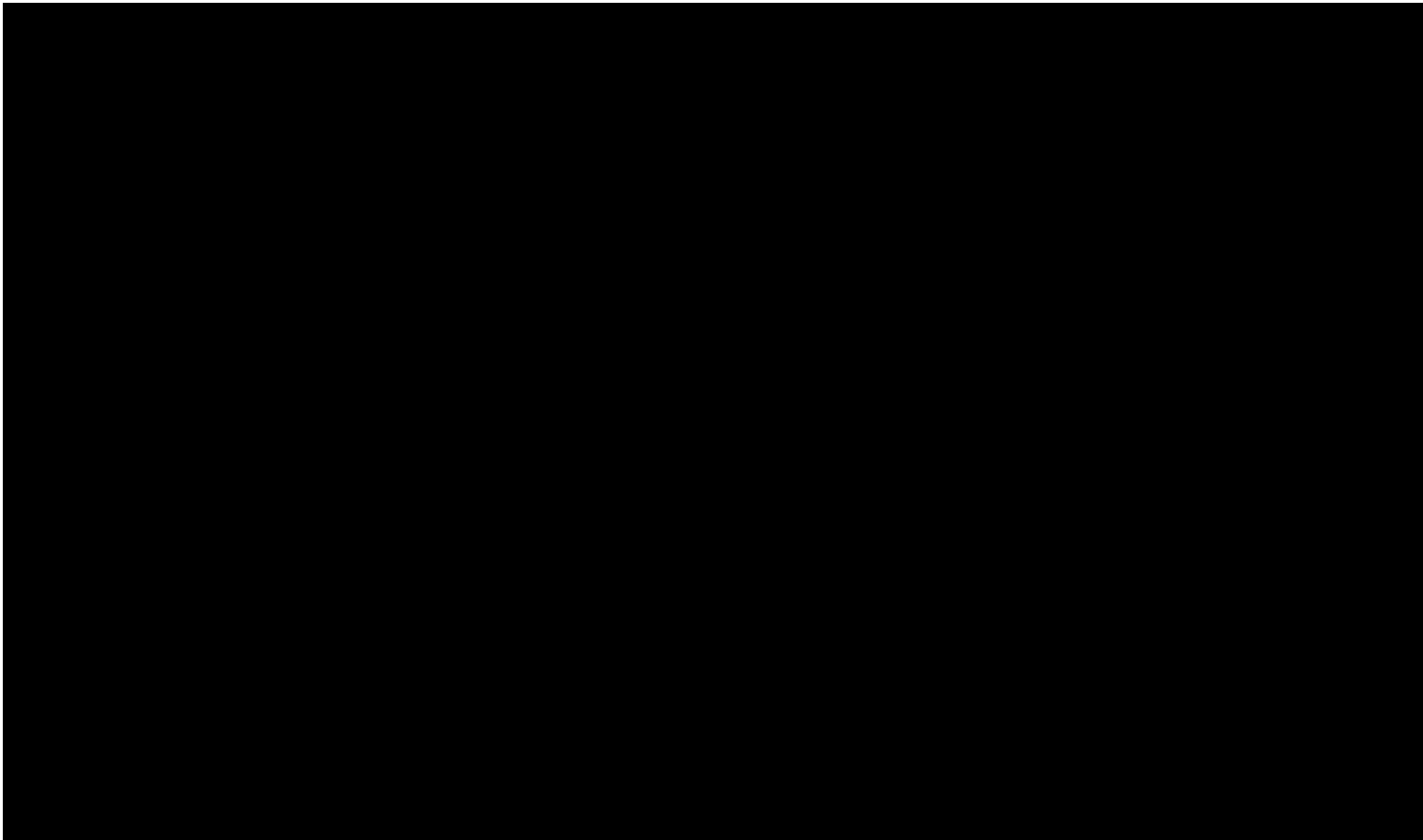
(m) A description of any limitation that cannot be accurately represented in a model (4000 Character Limit):

Not Applicable

There will be no known frequency ride-through limitations following installation of updated inverter software on November 20, 2026.

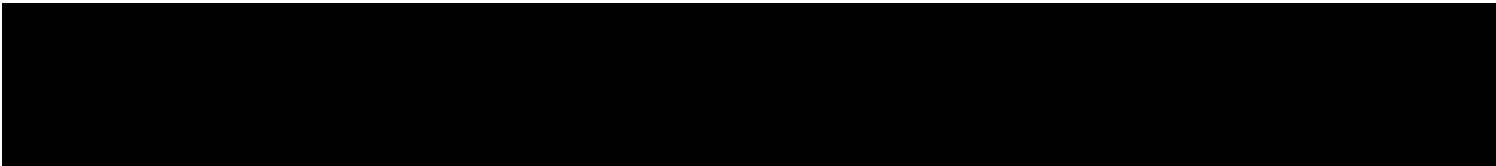
**Voltage Ride-Through**

VRT-1



**Voltage Ride-Through**

VRT-2



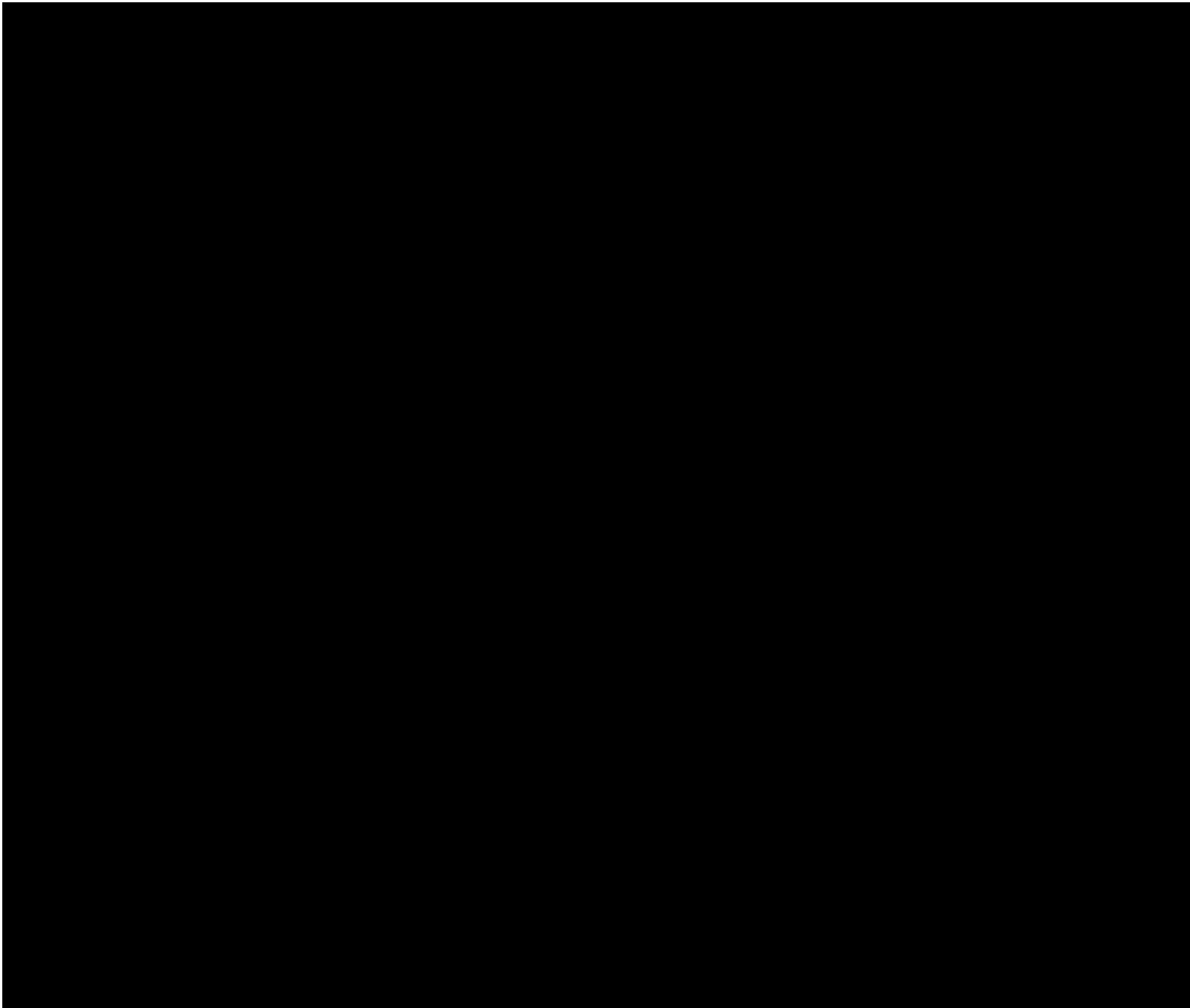
Voltage Ride-Through

VRT-3

(e) Current voltage ride-through capability in a format similar to the table in NOG Section 2.9.1.2(1):

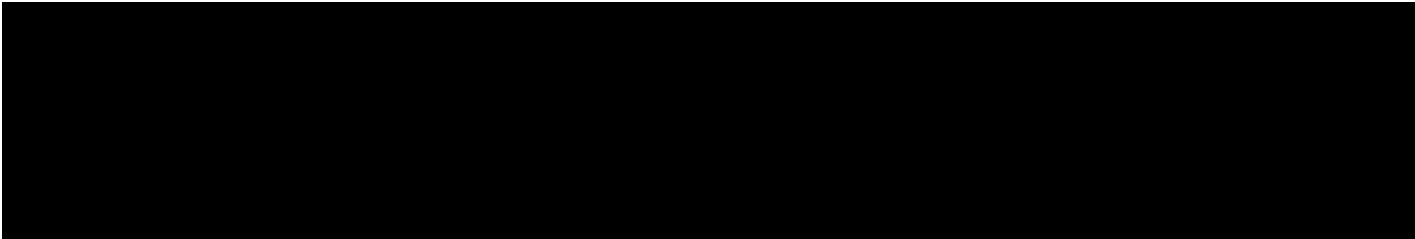
- Instructions:
- Use 99999 to indicate “continuous”
- Use 88888 to indicate “Will Trip”
- Use 77777 for “Not Known”

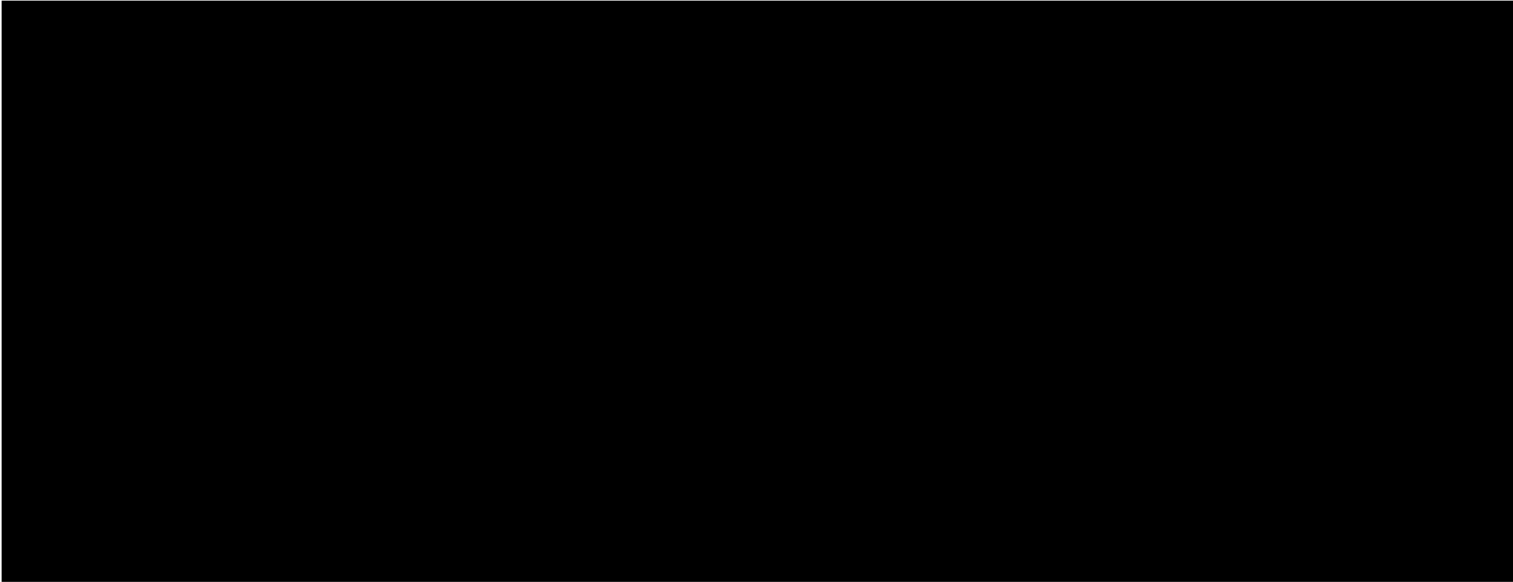
If you need to use any other generic numbers, be sure to indicate the definition of the numbers here:



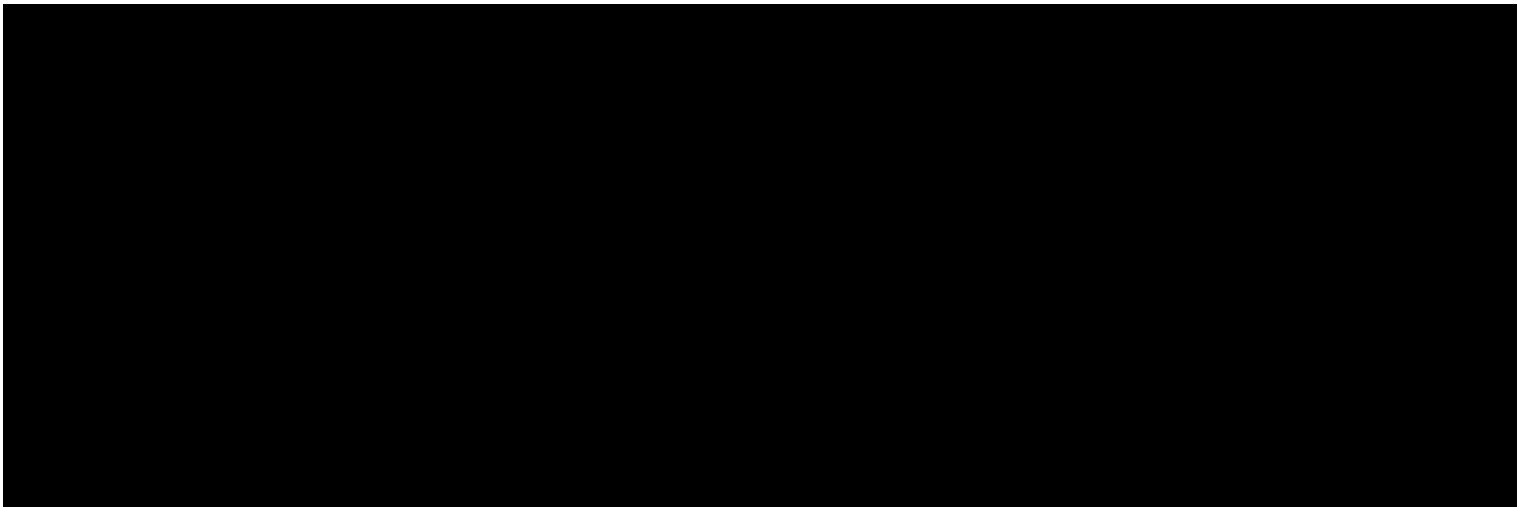
**Voltage Ride-Through**

VRT-4













- (j) Expected **post-modification** Resource capability in a format similar to the table in Section 2.9.1.2(1) and **documentation of** any expected remaining limitation(s) following implementation of such modifications:

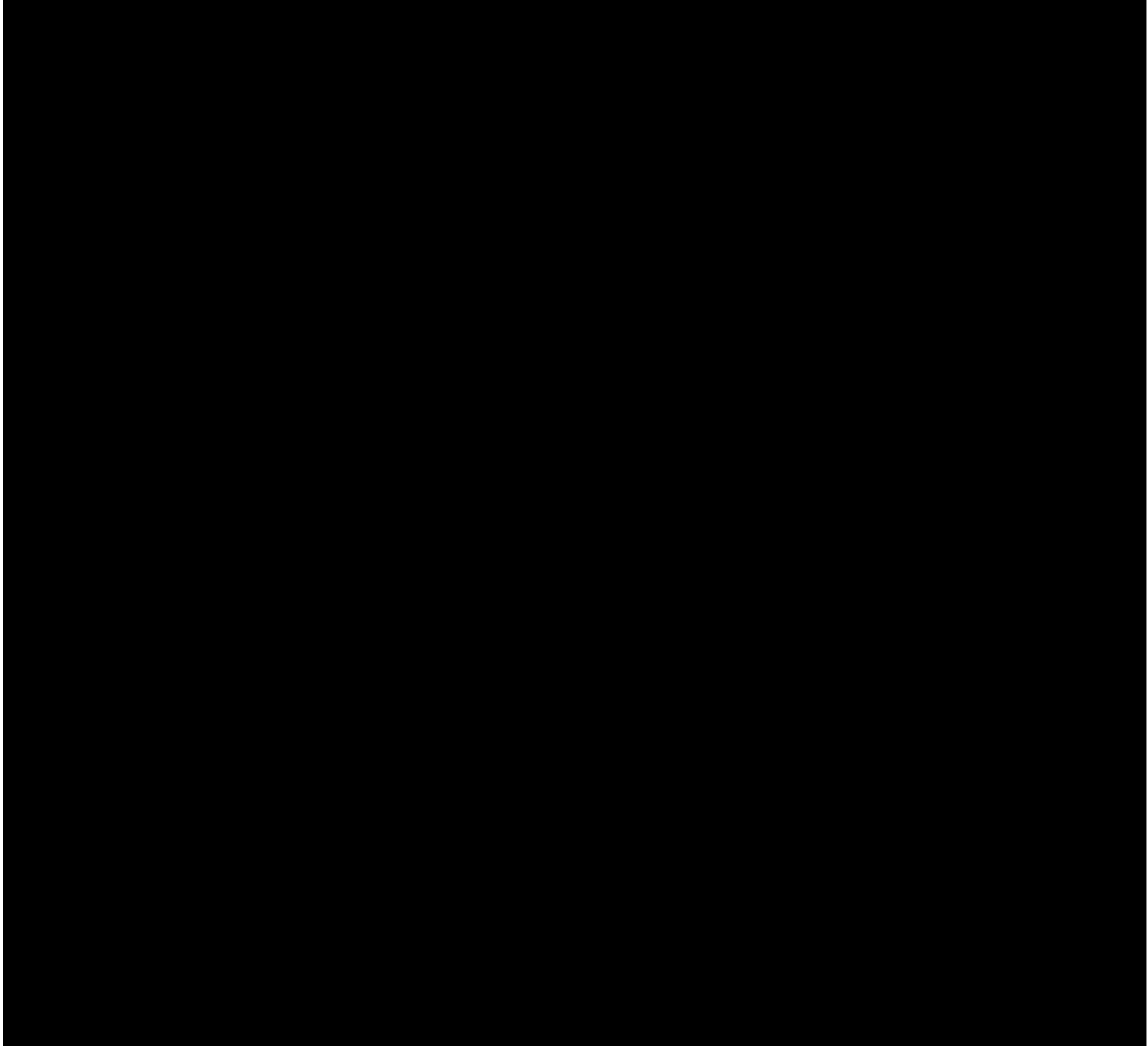
Instructions:

Use 99999 for "Continuous"

Use 88888 for "Will Trip"

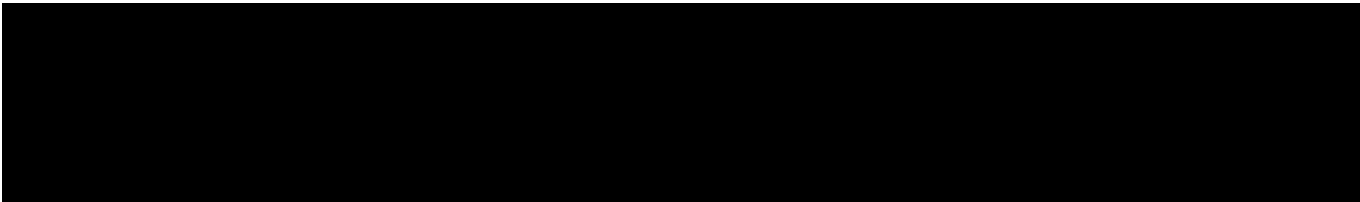
Use 77777 for "Not Known"

If you need to use any other generic numbers, be sure to indicate the definition of the numbers here:



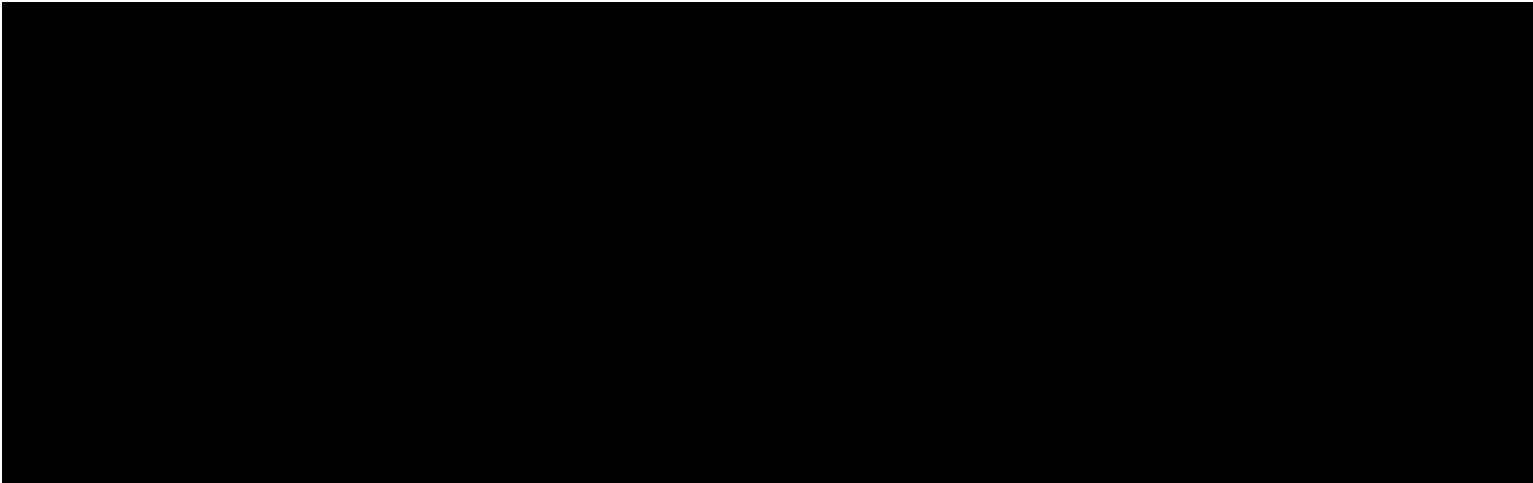
**Voltage Ride-Through**

VRT-10

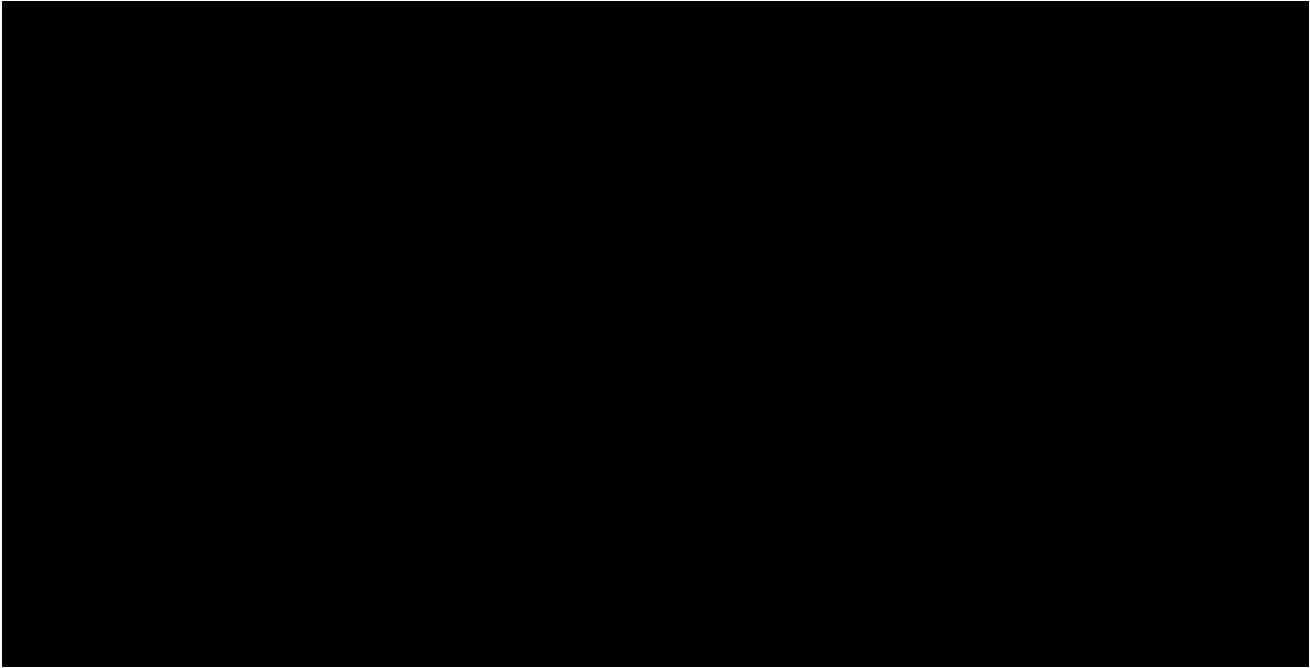


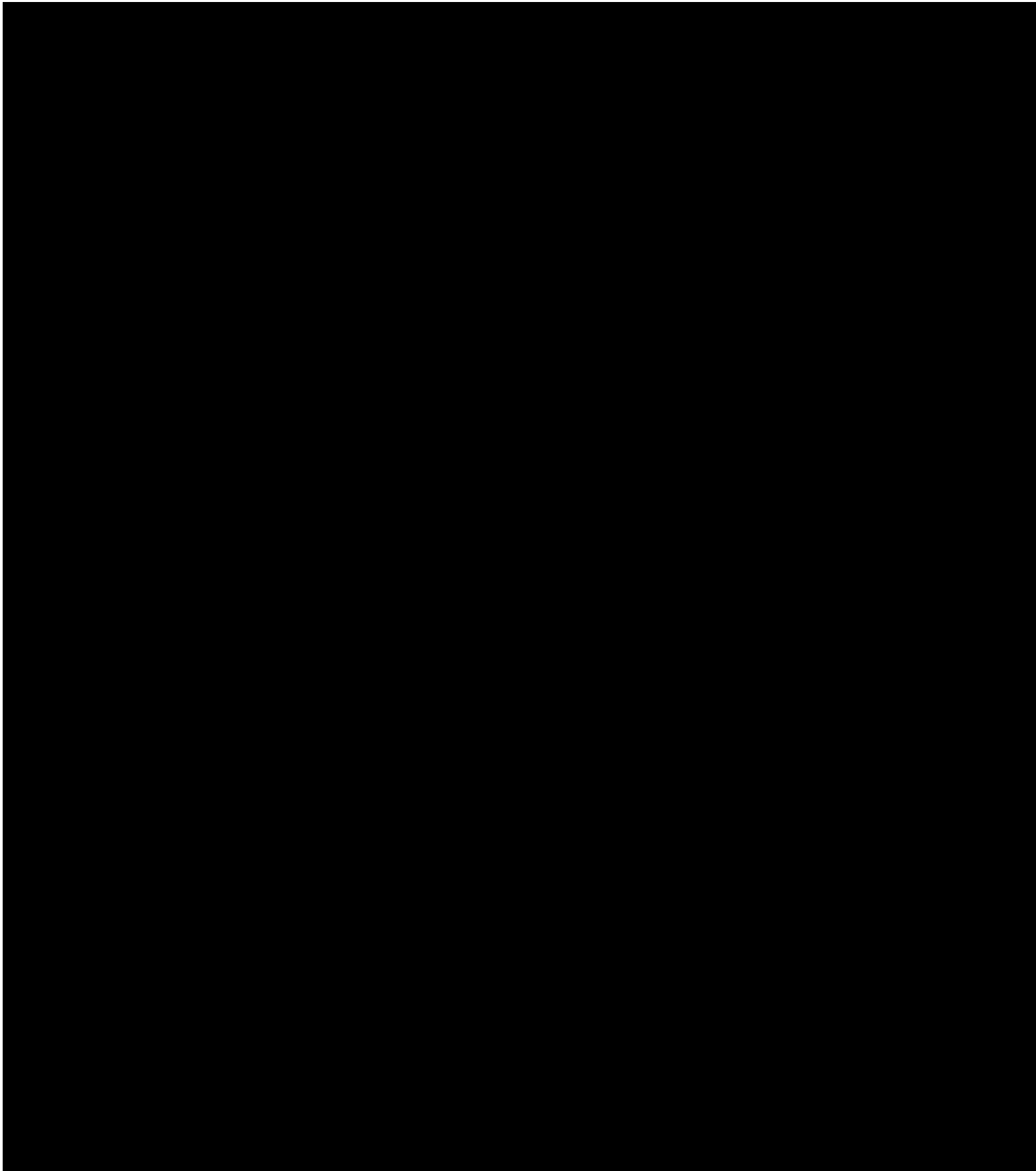
**Voltage Ride-Through**

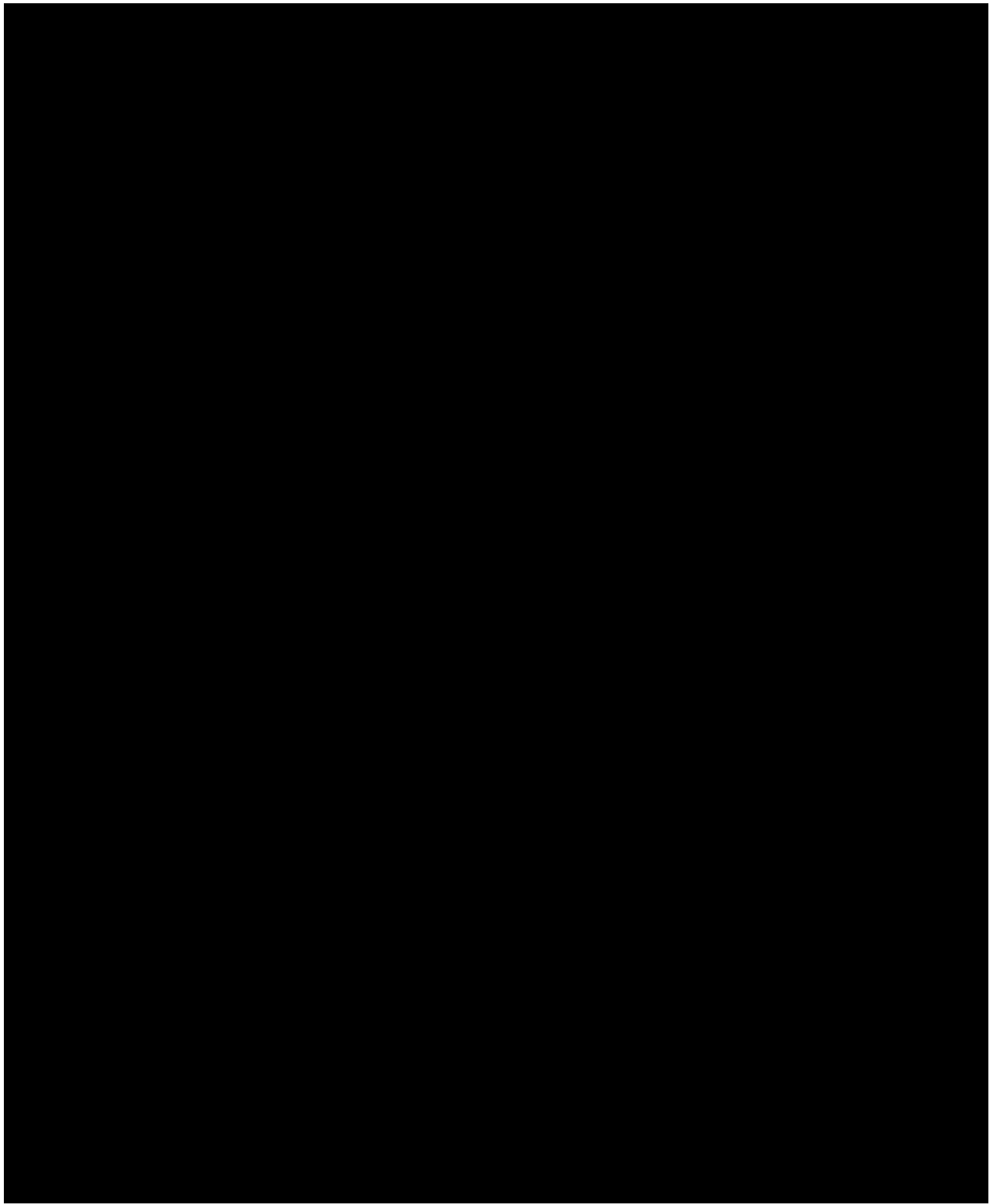
VRT-11



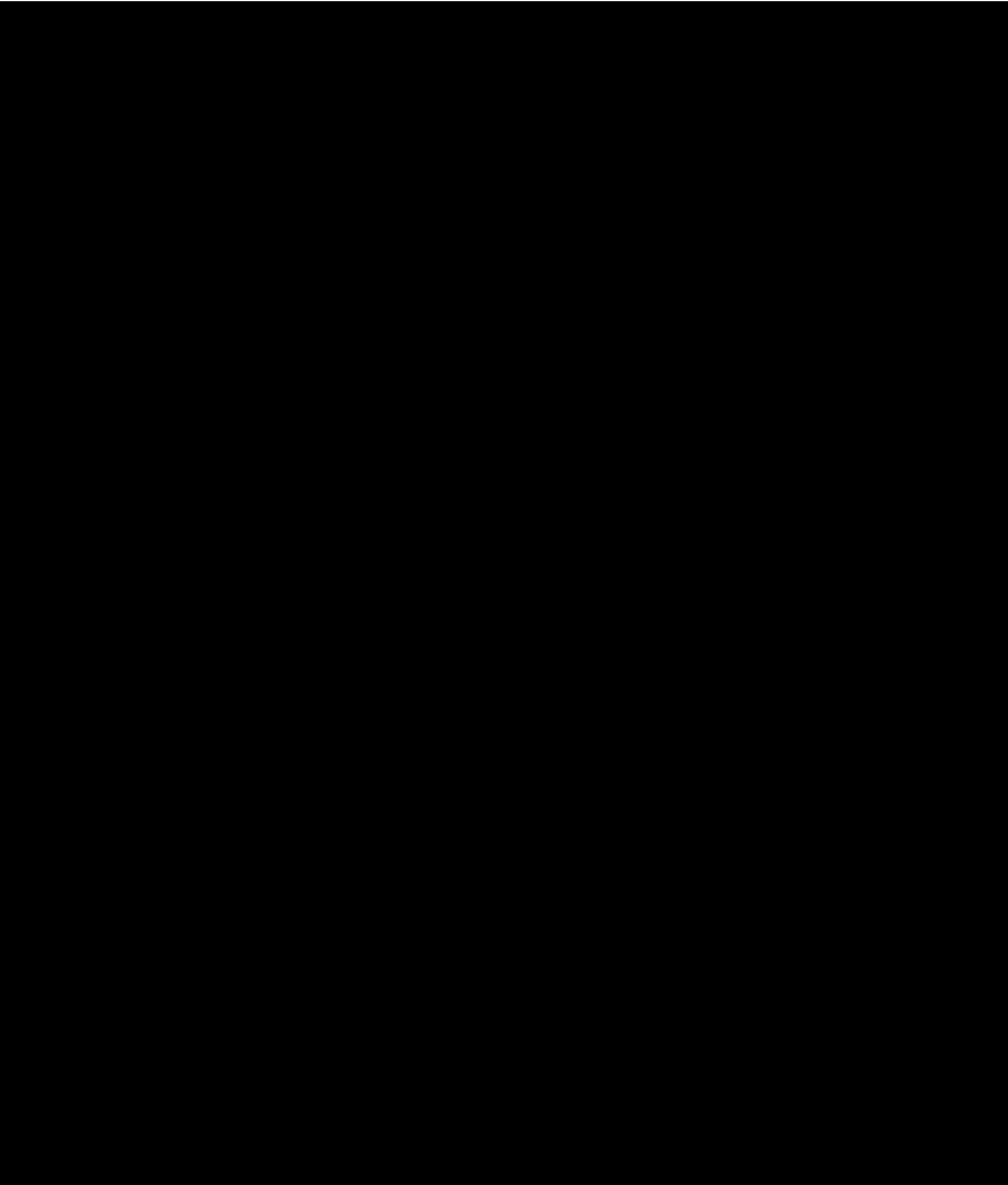












(g) attachment

Luminant is requesting an extension only. There will be no technical limitations once the inverter software is installed.

# **Attachment D**

## **December 9, 2025 Missing Information Request and Responses**

**From:** [Harris, Jack](#)  
**To:** [Bonskowski, Ned](#)  
**Cc:** [NOGRR245](#)  
**Subject:** NOGRR245 [Extension\_Exemption\_Extension and Exemption] Request for CASL\_GAP\_UNIT1 – Missing Information  
**Date:** Tuesday, December 9, 2025 9:34:26 AM  
**Attachments:** [Outlook-ercot.png](#)  
[ICR Missing Information for MP CASL\\_GAP\\_UNIT1.xlsx](#)  
**Importance:** High

---

EXTERNAL EMAIL

Ned Bonskowski,

Pursuant to Nodal Operating Guide (NOG) Section 2.12.1.3(1), ERCOT has completed its review of the information submitted by September 15th in connection with NOG Revision Request 245 for CASL\_GAP\_UNIT1.

ERCOT has determined the submittal is not complete. See, NOG Section 2.12.1.3(1)(a). Accordingly, in the attached Ride-Through Submission Status Report, ERCOT has identified the missing information and provides instructions for submitting the missing information. See, NOG Section 2.12.1.3(1)(b).

The Ride-Through Submission Status Report contains the following tabs:

| Tab                             | Description of Contents                                                                           |
|---------------------------------|---------------------------------------------------------------------------------------------------|
| Instructions                    | Instructions on how to complete the Report                                                        |
| Resource Info                   | Market Participant name, Resource name, current date and response due date                        |
| FRT Extensions                  | Missing information related to extensions for Frequency Ride-Through                              |
| VRT Extensions                  | Missing information related to extensions for Voltage Ride-Through                                |
| For Reference Capability Curves | Any relevant information related to the ride-through capability curves submitted for the Resource |

By 12/23/2025, you must send the missing information via email to [NOGRR245@ercot.com](mailto:NOGRR245@ercot.com). Importantly, if you do not provide the required information timely, ERCOT may have no choice other than to reject your Extension request.

Should you have any questions or require assistance, please do not hesitate to reach out.

Best regards,

---

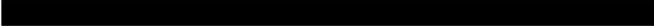
ercot



**Jack Harris**

Generation Integration Engineer

Taylor, TX

**From:** [Rake, Stewart](#)  
**To:** [NOGRR245@ercot.com](#); [Jack.Harris@ercot.com](#)  
**Cc:** [Bonskowski, Ned](#); [Miller, Jessica](#)  
**Subject:** RE: NOGRR245 [Extension\_Exemption\_Extension and Exemption] Request for CASL\_GAP\_UNIT1 – Missing Information  
**Date:** Monday, December 22, 2025 4:02:41 PM  
**Attachments:** [image003.png](#)  
[NOGRR245 RFI 2 Template for Docusign v8 - Luminant revised response.pdf](#)  


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Please see Luminant's revised request for a NOGRR245 extension for CASL\_GAP\_UNIT1. The September 15, 2025, RFI response has been revised to address all ERCOT's concerns and a signed letter from the inverter OEM is attached.

Please contact me if you have any questions.

Stewart Rake  
NERC Compliance Manager  


---

**From:** Harris, Jack <[Jack.Harris@ercot.com](#)>  
**Sent:** Tuesday, December 9, 2025 9:33 AM  
**To:** Bonskowski, Ned <[ned.bonskowski@vistracorp.com](#)>  
**Cc:** NOGRR245 <[NOGRR245@ercot.com](#)>  
**Subject:** NOGRR245 [Extension\_Exemption\_Extension and Exemption] Request for CASL\_GAP\_UNIT1 – Missing Information  
**Importance:** High

EXTERNAL EMAIL

Ned Bonskowski,

Pursuant to Nodal Operating Guide (NOG) Section 2.12.1.3(1), ERCOT has completed its review of the information submitted by September 15th in connection with NOG Revision Request 245 for CASL\_GAP\_UNIT1.

ERCOT has determined the submittal is not complete. See, NOG Section 2.12.1.3(1)(a). Accordingly, in the attached Ride-Through Submission Status Report, ERCOT has identified the missing information and provides instructions for submitting the missing information. See, NOG Section 2.12.1.3(1)(b).

The Ride-Through Submission Status Report contains the following tabs:

| Tab | Description of Contents |
|-----|-------------------------|
|-----|-------------------------|

|                                 |                                                                                                   |
|---------------------------------|---------------------------------------------------------------------------------------------------|
| Instructions                    | Instructions on how to complete the Report                                                        |
| Resource Info                   | Market Participant name, Resource name, current date and response due date                        |
| FRT Extensions                  | Missing information related to extensions for Frequency Ride-Through                              |
| VRT Extensions                  | Missing information related to extensions for Voltage Ride-Through                                |
| For Reference Capability Curves | Any relevant information related to the ride-through capability curves submitted for the Resource |

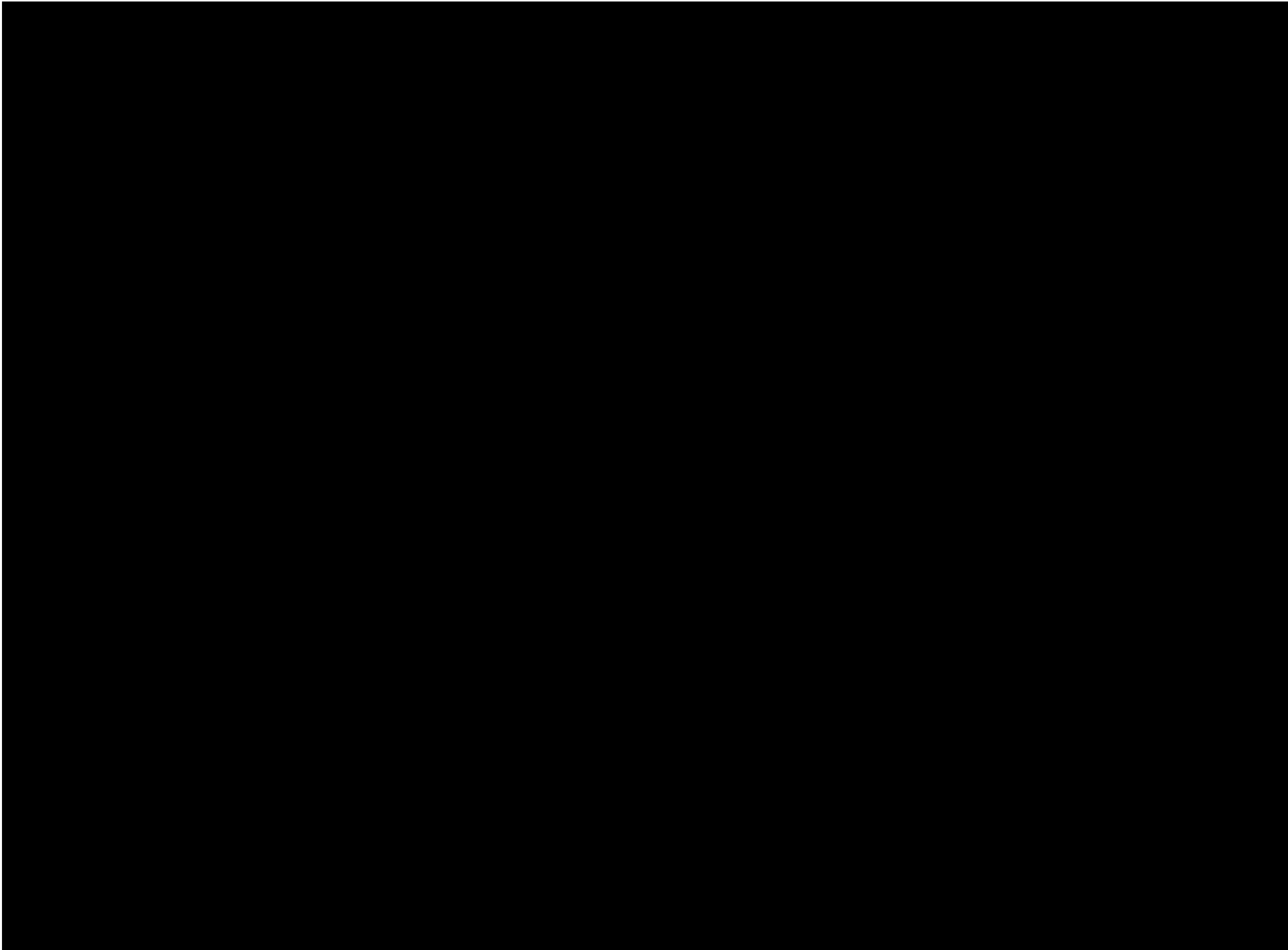
By 12/23/2025, you must send the missing information via email to [NOGRR245@ercot.com](mailto:NOGRR245@ercot.com). Importantly, if you do not provide the required information timely, ERCOT may have no choice other than to reject your Extension request.

Should you have any questions or require assistance, please do not hesitate to reach out.

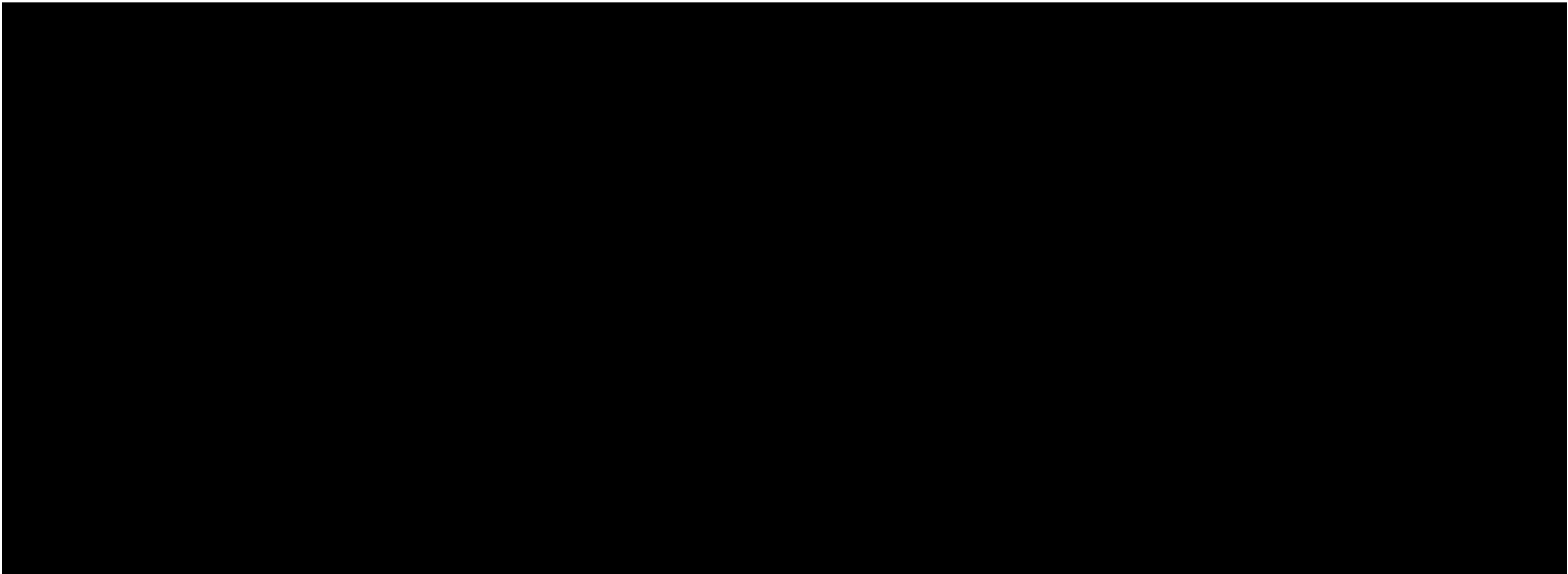
Best regards,

---

|                                                                                                                   |                                                                                                |
|-------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|
| <div>ercot</div> <div>  </div> | <div><b>Jack Harris</b></div> <div>Generation Integration Engineer</div> <div>Taylor, TX</div> |
|-------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|







(Market Notice: M-A010825-07)

**Resource Entity (RE), Interconnecting Entity (IE):**

UPTON COUNTY SOLAR 2 LLC (RE)

**Resource Name or Project Name:**

CASL\_GAP\_UNIT1

**DocuSign Instructions:**

- Responses are due on or before September 15th, 2025.
- Only one person can provide responses.
- The document can be forwarded or “Assigned to Someone Else” via the “Other Actions” menu at the top of the DocuSign web page.
- Please contact [NOGRR245@ercot.com](mailto:NOGRR245@ercot.com) with any additional questions.

**Background Information:**

Refer to Market Notices [M-A010825-06](#) and [M-A010825-07](#) for background information.

**NOTE: IF YOU ALREADY REQUESTED AN EXEMPTION OR EXTENSION FOR YOUR RESOURCE ON OR BEFORE APRIL 15, 2025, YOU MUST SUBMIT THE INFORMATION REQUESTED BELOW BY MIDNIGHT ON SEPTEMBER 15TH, 2025 OR YOU WILL BE FOREVER BARRED FROM REQUESTING AN EXEMPTION OR EXTENSION.** See, Nodal Operating Guide § 2.11.1(2); § 2.11.2(2) and § 2.12.1(2).

Submitter signature:  Signed by:  
Stewart Rake  
9A5025579524464...

Submitter name: Stewart Rake

Submitter title: Compliance Manager

Date: 9/15/2025

General Comments (4000 Character Limit, attach supporting documentation as needed):



2. If you requested an Extension by April 15, 2025, for the above-referenced Resource, does the Resource still need an Extension? Yes

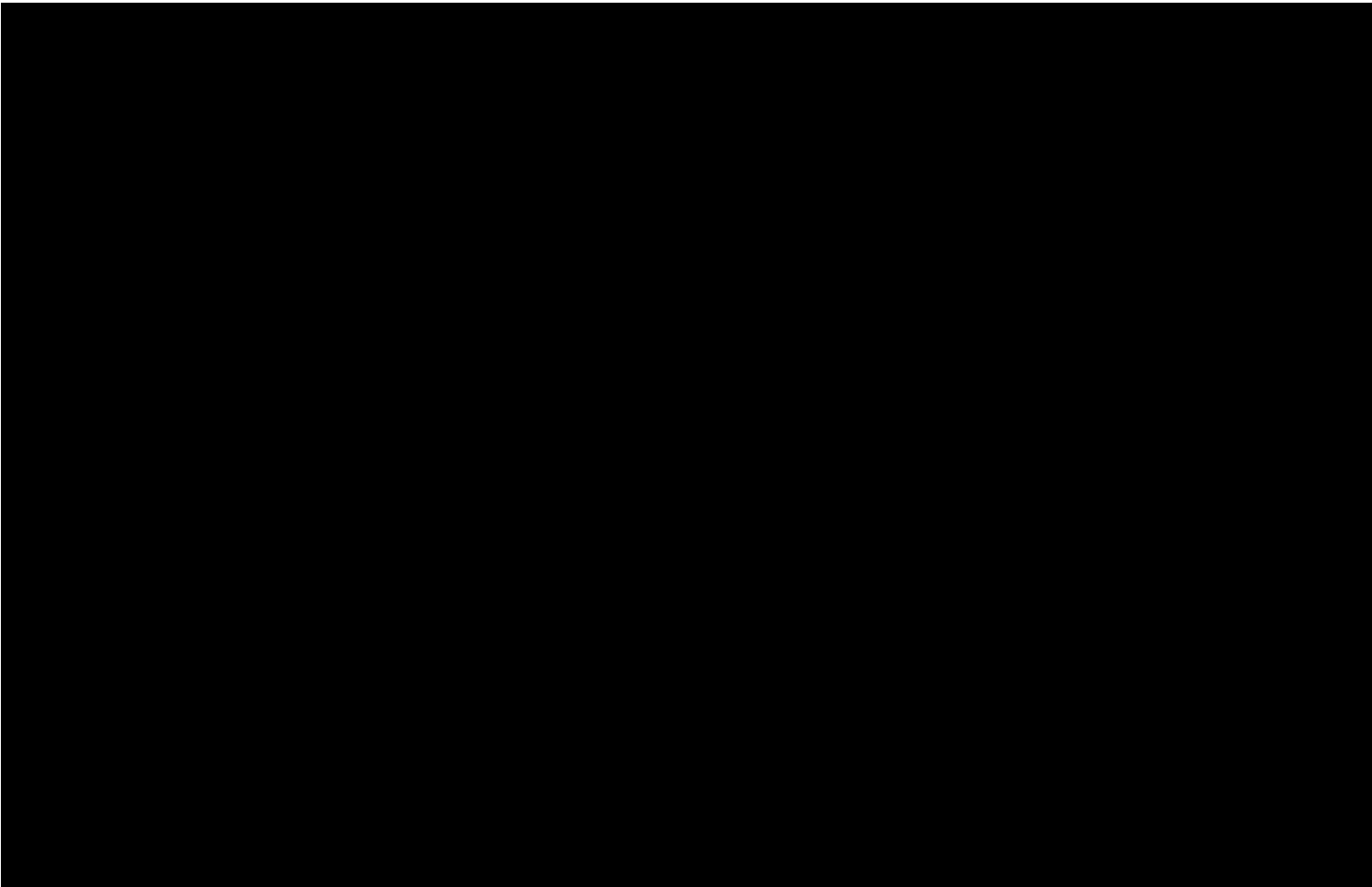
Complete the table below (NOTE: ERCOT will compare the answers below to the April 2025 submission).

| Section for which you request an Extension | Yes/No        | If yes, date on which you want the Extension to end |
|--------------------------------------------|---------------|-----------------------------------------------------|
| Section 2.6.2.1(1)                         | Yes      X No |                                                     |
| Section 2.6.2.1(3)                         | Yes      X No |                                                     |
| Section 2.6.2.1(4)                         | Yes      X No |                                                     |
| Section 2.6.2.1(5)                         | Yes      X No |                                                     |
| Section 2.6.2.1(6)                         | X Yes      No | 11/20/2026                                          |
| Section 2.9.1(6)                           | Yes      X No |                                                     |
| Section 2.9.1.1(1)                         | Yes      X No |                                                     |
| Section 2.9.1.1(7)                         | Yes      X No |                                                     |
| Section 2.9.1.2(1)                         | Yes      X No |                                                     |

|                    |     |      |  |
|--------------------|-----|------|--|
| Section 2.9.1.2(3) | Yes | X No |  |
| Section 2.9.1.2(4) | Yes | X No |  |
| Section 2.9.1.2(5) | Yes | X No |  |
| Section 2.9.1.2(6) | Yes | X No |  |
| Section 2.9.1.2(7) | Yes | X No |  |

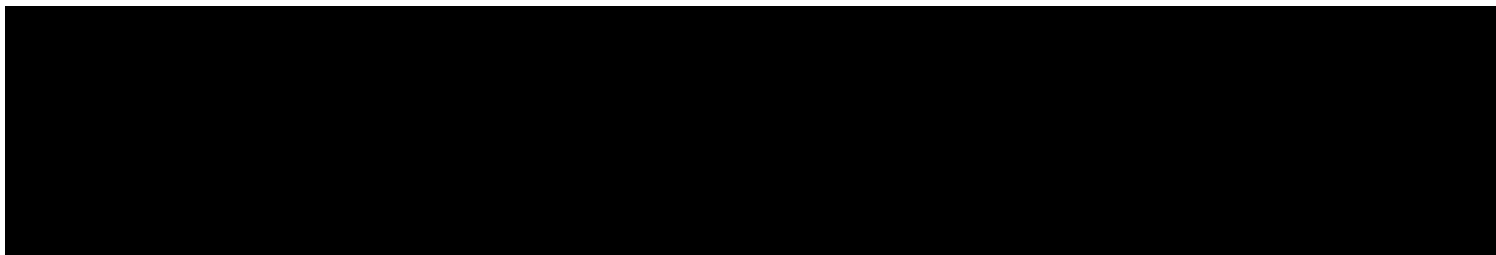
Frequency Ride-Through

FRT-1



## Frequency Ride-Through

FRT-2



There will be no known frequency ride-through limitations following installation of updated inverter software on November 20, 2026.

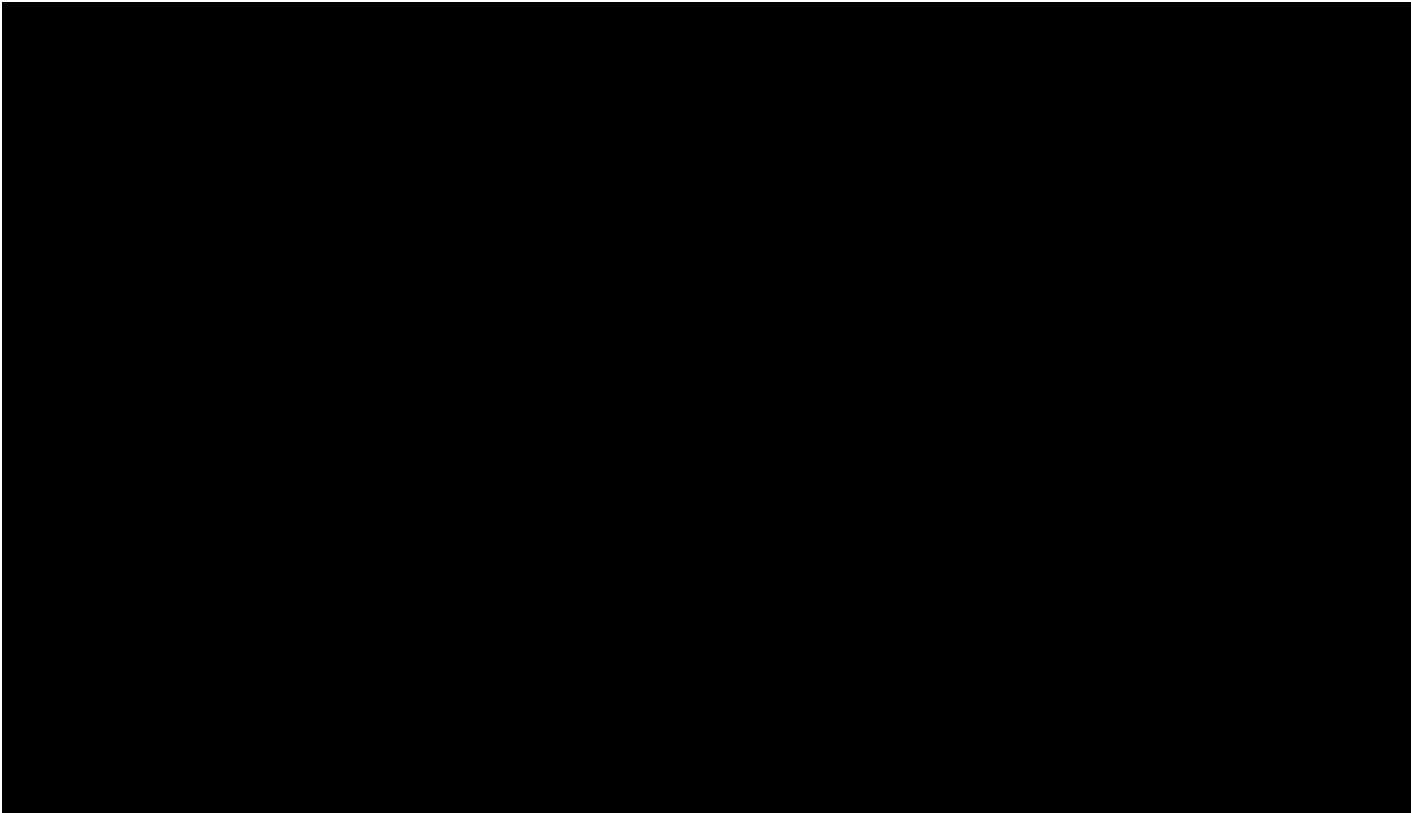
# Frequency Ride-Through

FRT-3

(e) Current frequency ride-through capability in a format similar to the table in Nodal Operating Guide (NOG) Section 2.6.2.1(1):

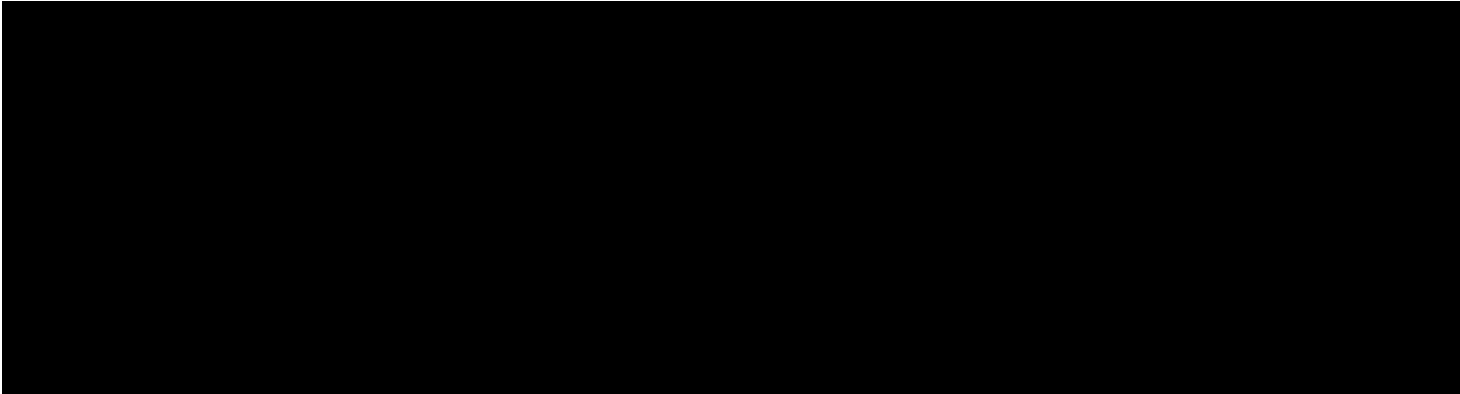
Instructions:  
Use 99999 to indicate “continuous”  
Use 88888 to indicate “Will Trip” Use  
77777 for “Not Known”

If you need to use any other generic numbers, be sure to indicate the definition of the numbers here:



Frequency Ride-Through

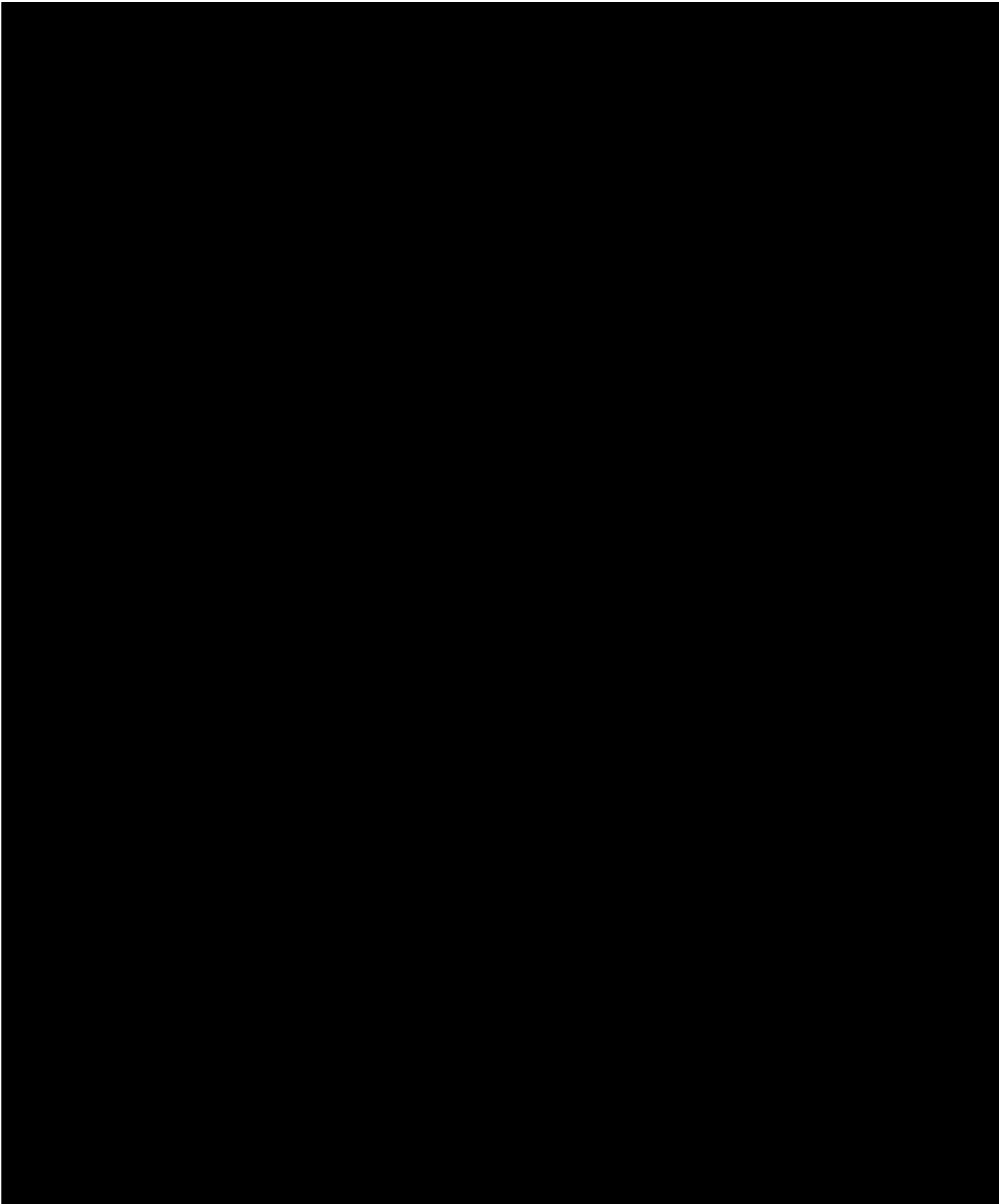
FRT-4





Frequency Ride-Through

FRT-5



## Frequency Ride-Through

FRT-6

- (h) Available software, firmware, settings or parameterization modifications the Resource Entity will implement to maximize the frequency ride-through capability of the Resource within known equipment limitations, to the greatest extent possible (4000 Character Limit):

Updated OEM inverter software will be installed that will allow settings changes to meet all requirements.

[REDACTED]

[REDACTED]

Frequency Ride-Through

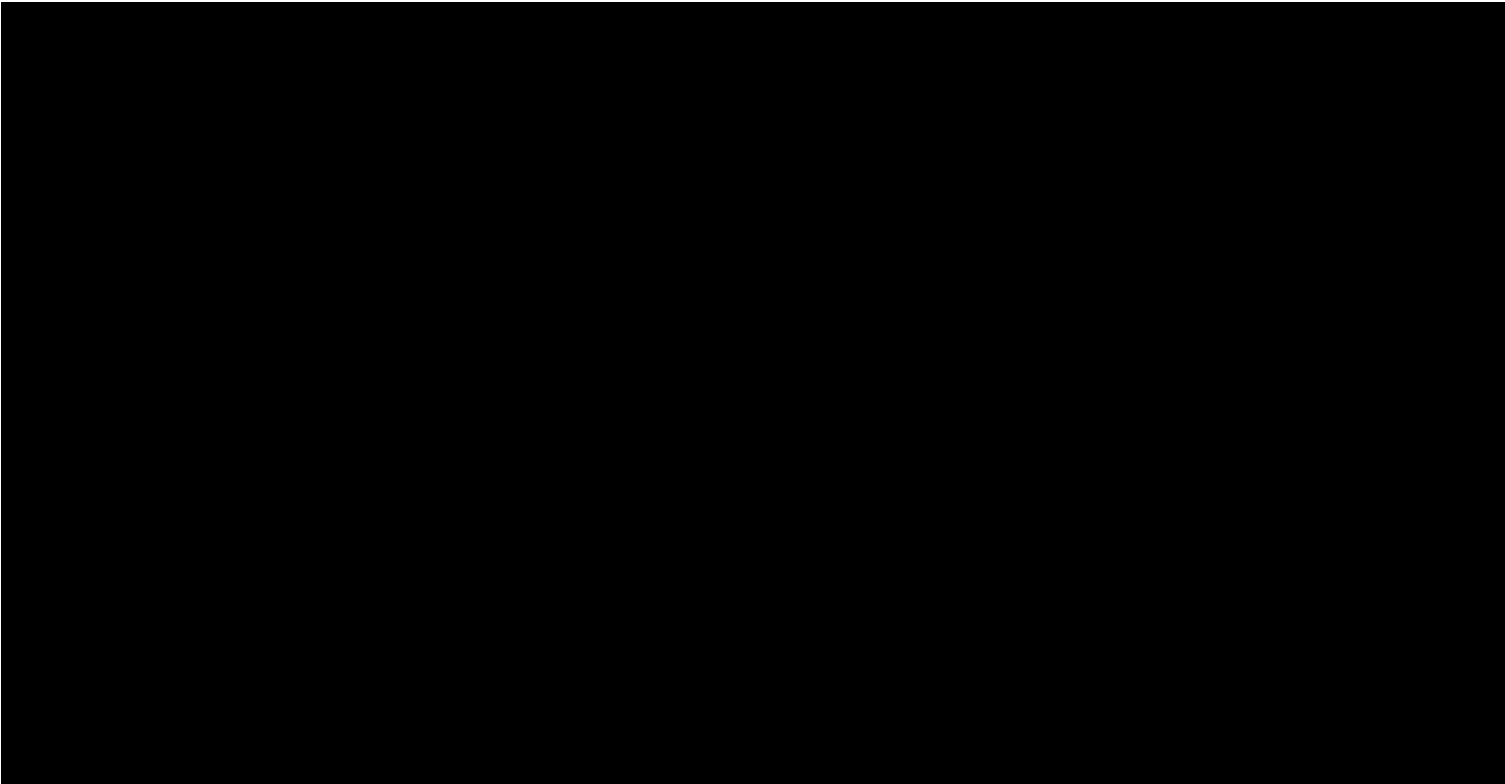
FRT-7

- (j) Expected **post-modification** Resource capability in a format similar to the table in Section 2.6.2.1(1) and **documentation of** any expected remaining limitation(s) following implementation of such modifications:

Instructions:

Use 99999 to indicate “continuous”  
Use 88888 to indicate “Will Trip” Use  
77777 for “Not Known”

If you need to use any other generic numbers, be sure to indicate the definition of the numbers here:



# Frequency Ride-Through

FRT-8

(k) A schedule for implementing the modification(s) (4000 Character Limit):

Milestone schedule:

|   |            |
|---|------------|
| ■ | [REDACTED] |
| ■ | [REDACTED] |
| ■ | [REDACTED] |
| ■ | [REDACTED] |
| ■ | [REDACTED] |
| ■ | [REDACTED] |
| ■ | [REDACTED] |

Installation of updated inverter software will be complete on November 20, 2026.

[REDACTED]

(l) **A model accurately representing expected performance reflecting all technical limitations** or a statement there are no new models available because the Resource is requesting an exemption and the current model submitted to ERCOT already reflects all technical limitations in frequency ride-through capability (4000 Character Limit) :

[NOTE: Submit via ERCOT's Resource Integration and Ongoing Operations (RIOO) System and provide the RIOO Change Request number here]

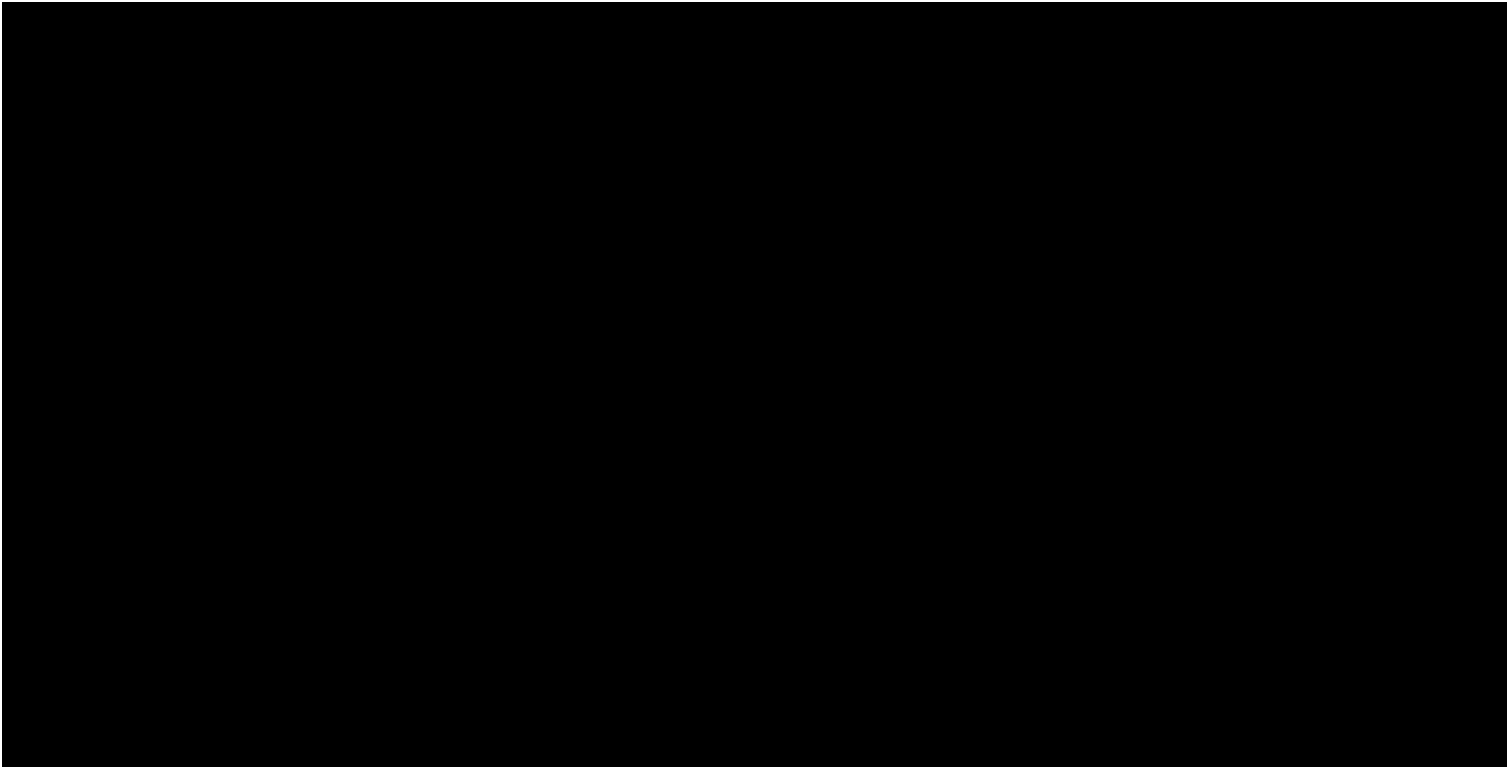
There are no new models currently available because the Resource is requesting an extension and the current model submitted to ERCOT already reflects all technical limitations in frequency ride-through capability.

A revised model incorporating the post-modification settings will be completed prior to November 20, 2026, and will be sent to ERCOT for approval prior to implementation of the new settings.

[REDACTED]

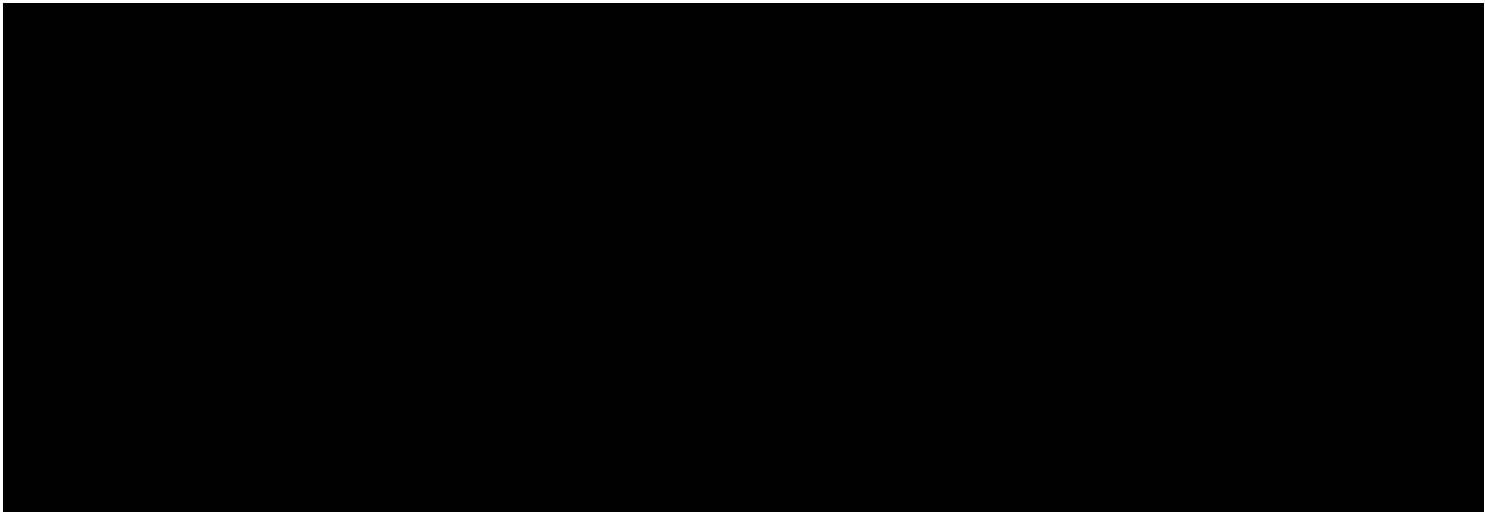
**Voltage Ride-Through**

VRT-1



**Voltage Ride-Through**

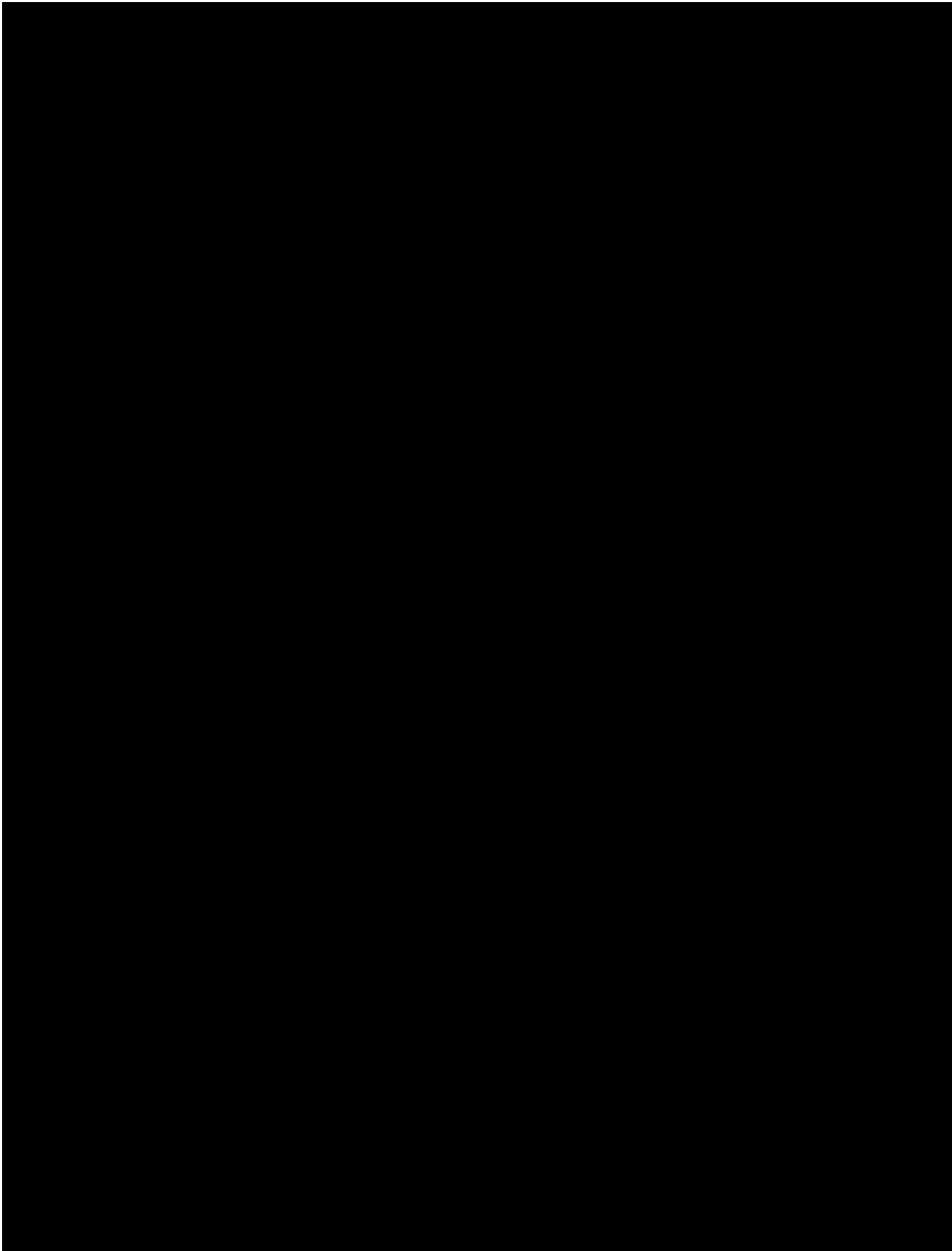
VRT-2



124

Voltage Ride-Through

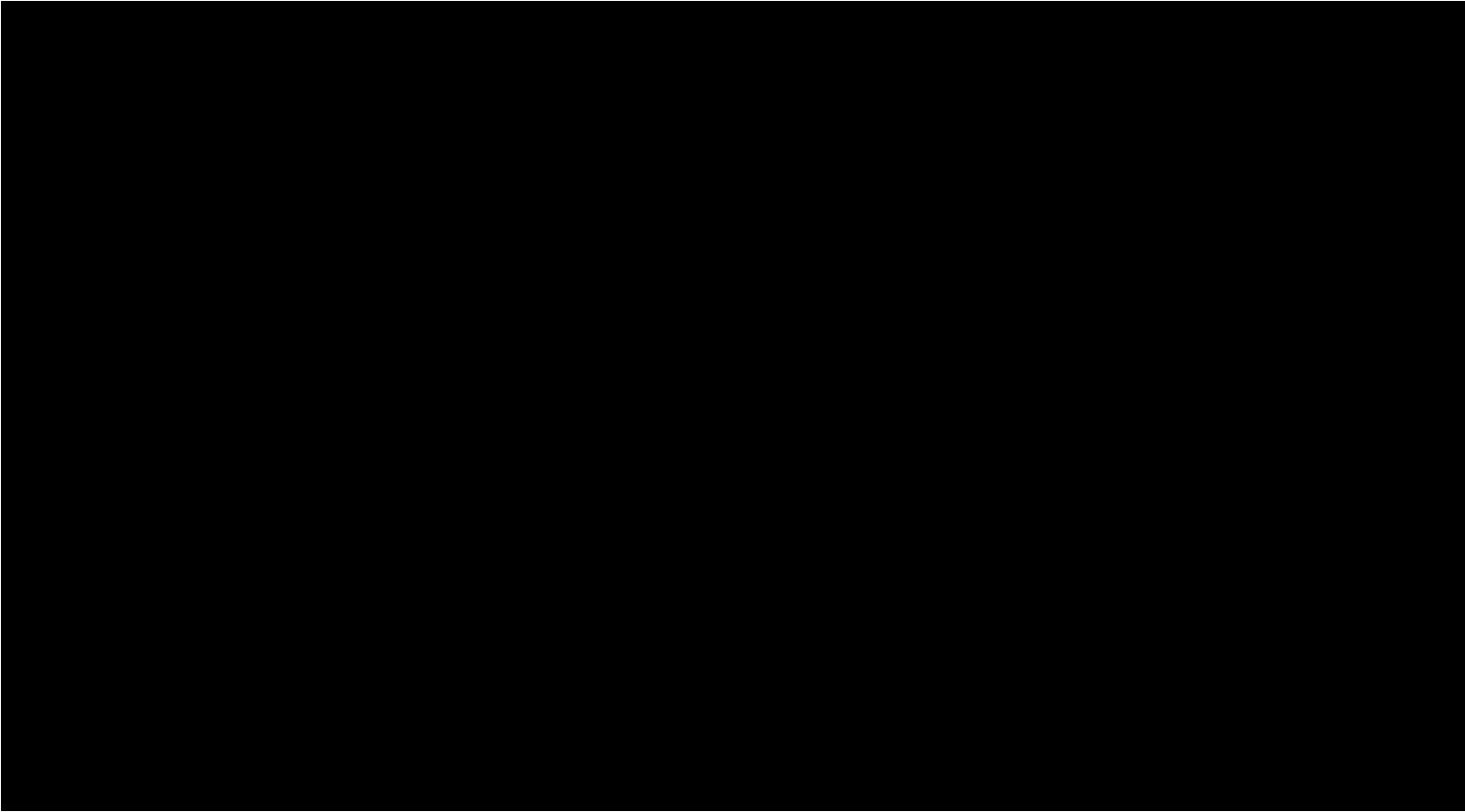
VRT-4





**Voltage Ride-Through**

VRT-5



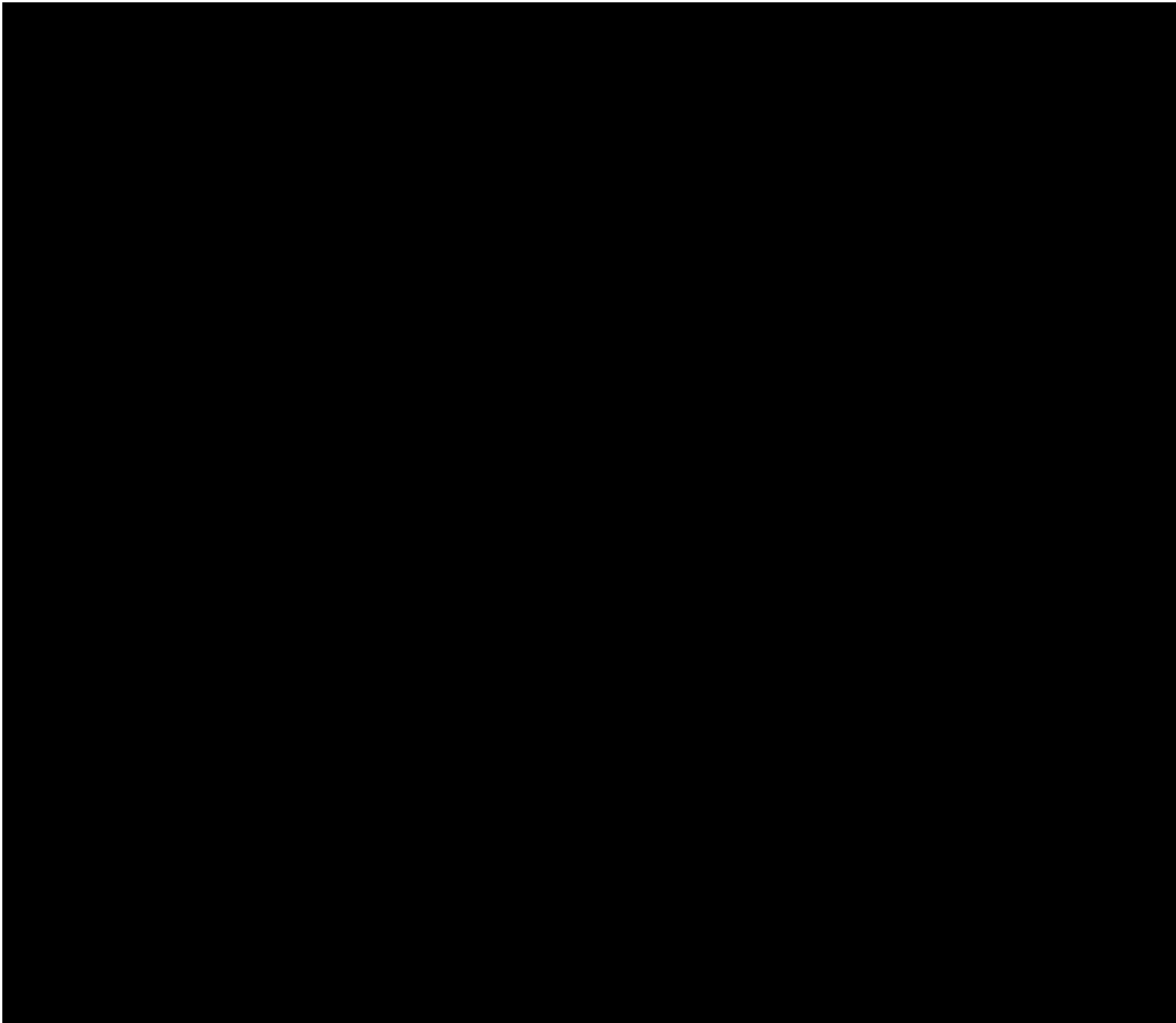
Voltage Ride-Through

VRT-6

(j) Expected **post-modification** Resource capability in a format similar to the table in Section 2.9.1.2(1) and **documentation of** any expected remaining limitation(s) following implementation of such modifications:

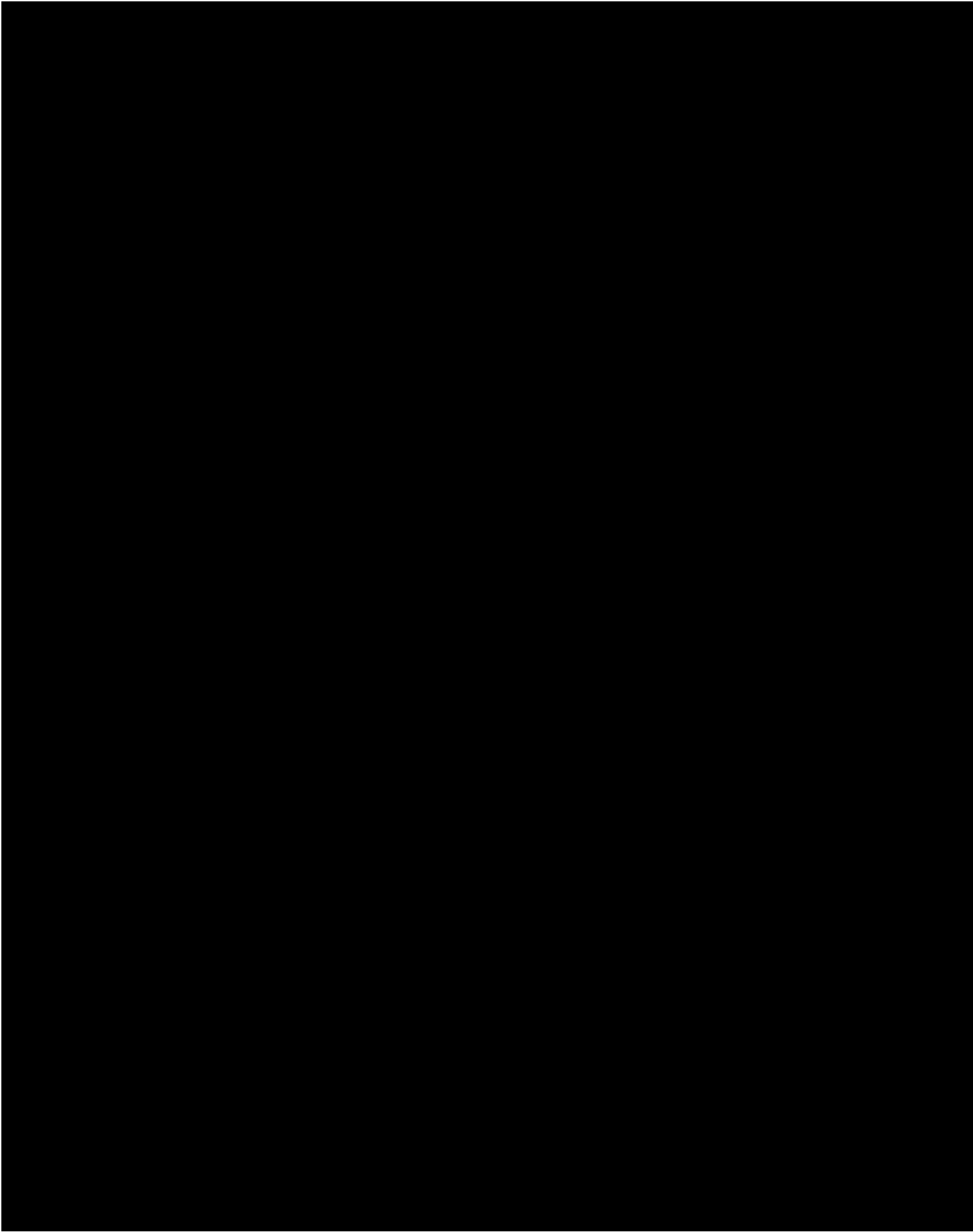
Instructions:  
Use 99999 for “Continuous”  
Use 88888 for “Will Trip” Use  
77777 for “Not Known”

If you need to use any other generic numbers, be sure to indicate the definition of the numbers here:



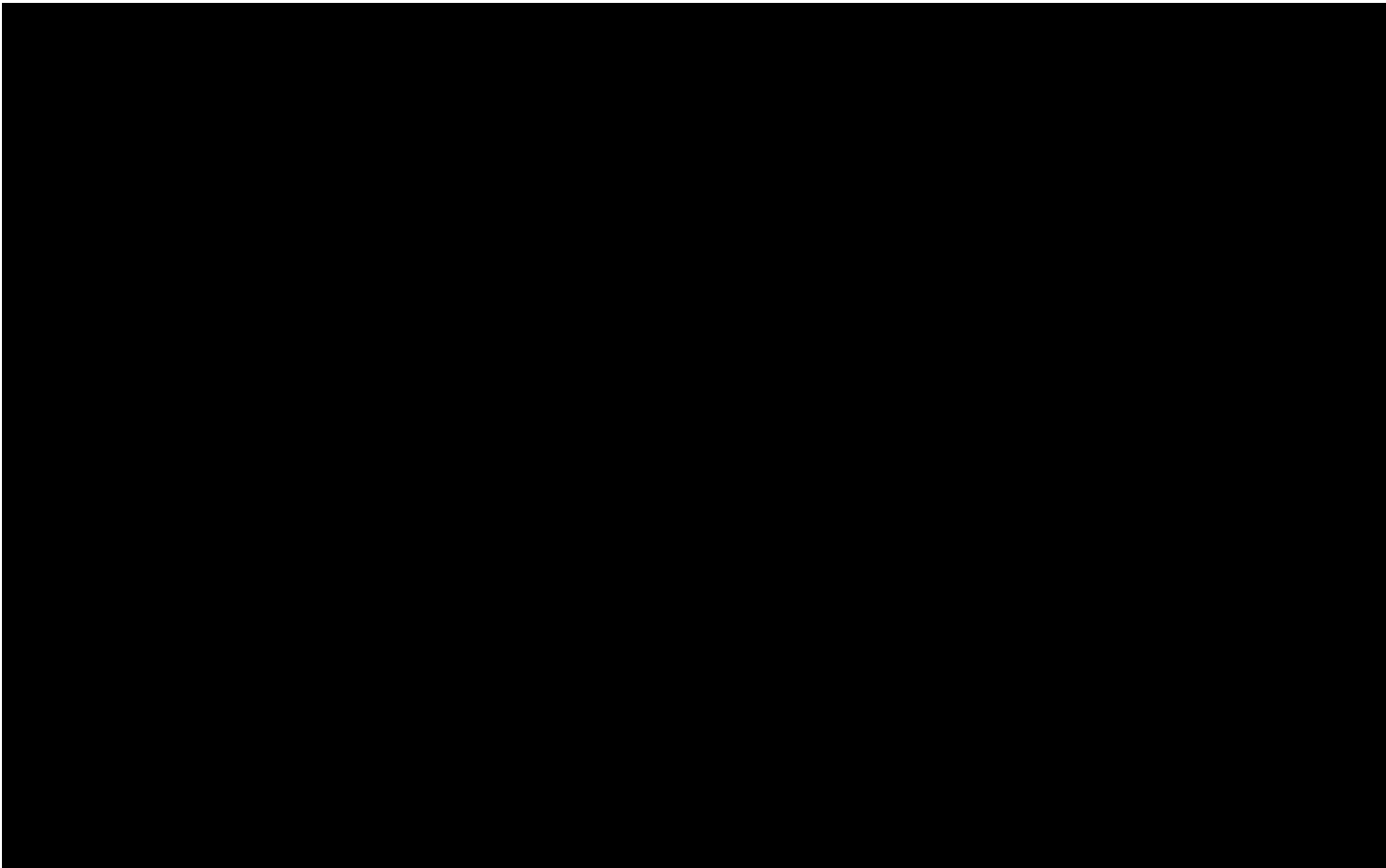
Voltage Ride-Through

VRT-7



**Voltage Ride-Through**

VRT-8



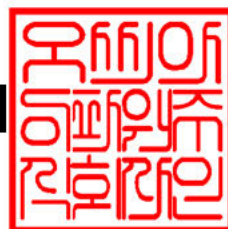
[REDACTED] currently performing additional verification and analysis based on the existing [REDACTED] firmware and hardware configuration to further correlate inverter behavior with hardware performance under extreme grid conditions.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



# **Attachment E**

**December 30, 2025**  
**Ongoing Review Email**

**From:** [Harris, Jack](#)  
**To:** [Bonskowski, Ned](#); [Rake, Stewart](#)  
**Cc:** [NOGRR245](#)  
**Subject:** NOGRR245 Extension Review Status for CASL\_GAP\_UNIT1  
**Date:** Tuesday, December 30, 2025 11:00:04 AM  
**Attachments:** [image.png](#)

---

EXTERNAL EMAIL

Authorize Representative for CASL\_GAP\_UNIT1:

Pursuant to Nodal Operating Guide (NOG) Section 2.12.1.3(1), ERCOT is reviewing the information you submitted in connection with your request for an extension or exemption associated with the ride-through requirements implemented through NOG Revision Request 245 (NOGRR245).

ERCOT is aware of the December 31, 2025 deadline for Resources with a Standard Generation Interconnection Agreement (SGIA) dated prior to 8/1/24 to comply with the frequency ride-through (FRT) requirements of NOG Section [2.6.2.1](#) and the voltage ride-through (VRT) requirements of NOG Sections 2.9.1(8) and [2.9.1.2](#). See, NOG Sections 2.6.2.1(6), (7); 2.9.1(8); 2.9.1.2(8), (9). However, the NOG also provides that, until ERCOT finalizes its consideration of an exemption or extension request, a Resource with a SGIA dated prior to 8/1/24 that has timely requested an extension or exemption must meet the greater of: (i) its documented maximum ride-through capability, or (ii) the ride-through performance requirements in effect on 5/1/24. See, NOG Sections 2.12.1(10).

Accordingly, while ERCOT continues to review your extension or exemption request ERCOT will not consider your Resource's failure to meet the 12/31/25 deadline as requiring ERCOT to inform the ERCOT Reliability Monitor (ERM). However, all Resources must comply with NOG Section 2.12.1(10) while ERCOT continues to review extension or exemption requests. Accordingly, if your Resource fails to ride-through a frequency or voltage event during the ERCOT review process, ERCOT will determine whether the Resource met the applicable ride-through requirement(s) in effect at the time of the event as provided by NOG Section 2.12.1(10) and, if necessary, report any ride-through failure to the ERM.



**Jack Harris**  
Generation Integration Engineer 1  
Taylor, TX



# **Attachment F**

## **February 24, 2026 Missing Information Request and Responses**

**From:** [NOGRR245](#)  
**To:** [Bonskowski, Ned](#)  
**Cc:** [Harris, Jack](#)  
**Subject:** NOGRR245 Extension Request for CASL\_GAP\_UNIT\_1 - Missing Information  
**Date:** Tuesday, February 24, 2026 4:08:22 PM  
**Attachments:** [image.png](#)  
[Second Missing Information Request for MP CASL\\_GAP\\_UNIT1.xlsx](#)

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EXTERNAL EMAIL

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Ned Bonskowski,

Pursuant to Nodal Operating Guide (NOG) Section 2.12.1.3(1), ERCOT confirms receipt of the information submitted by September 15th in connection with NOG Revision Request 245 for CASL\_GAP\_UNIT\_1.

ERCOT has determined your submittal is *not* complete and your response to the Missing Information Request (MIR) ERCOT previously sent does not remedy the identified deficiencies in the MIR. Accordingly, in the attached *Second Missing Information Request*, ERCOT has identified the missing information and provides instructions for submitting the missing information. See NOG Section 2.12.1.3(1)(b).

The *Second MIR* contains the following tabs:

| Tab                             | Description of Contents                                                                               |
|---------------------------------|-------------------------------------------------------------------------------------------------------|
| Instructions                    | Instructions for completing the Report                                                                |
| Resource Info                   | Market Participant name, Resource name, current date and response due date                            |
| FRT Extension and/or Exemption  | Missing information related to extensions and/or exemptions for Frequency Ride-Through                |
| VRT Extension and/or Exemption  | Missing information related to extensions and/or exemptions for Voltage Ride-Through                  |
| Exemption Request Form          | Missing information related to the Exemption Request Form                                             |
| For Reference Capability Curves | Any relevant information related to the ride-through capability curves you submitted for the Resource |

You must complete the relevant sections of the *Second MIR* and send it to [NOGRR245@ercot.com](mailto:NOGRR245@ercot.com). Importantly, if you do not provide the required information timely, ERCOT may have no choice other than to reject your request for the Resource.

Please inform us of your availability before the due date to discuss the Second MIR.

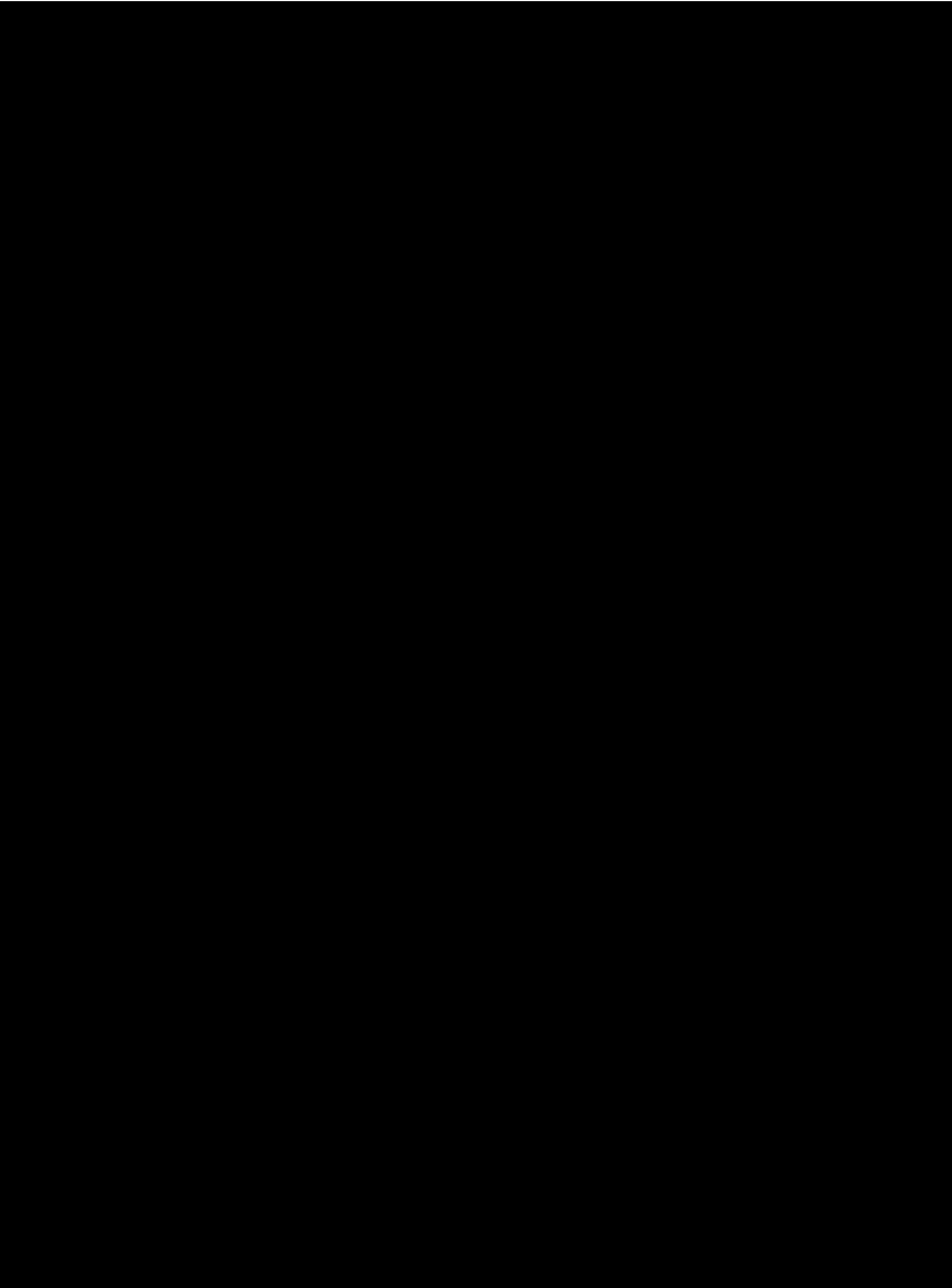
Should you have any questions or require assistance, please do not hesitate to reach out.

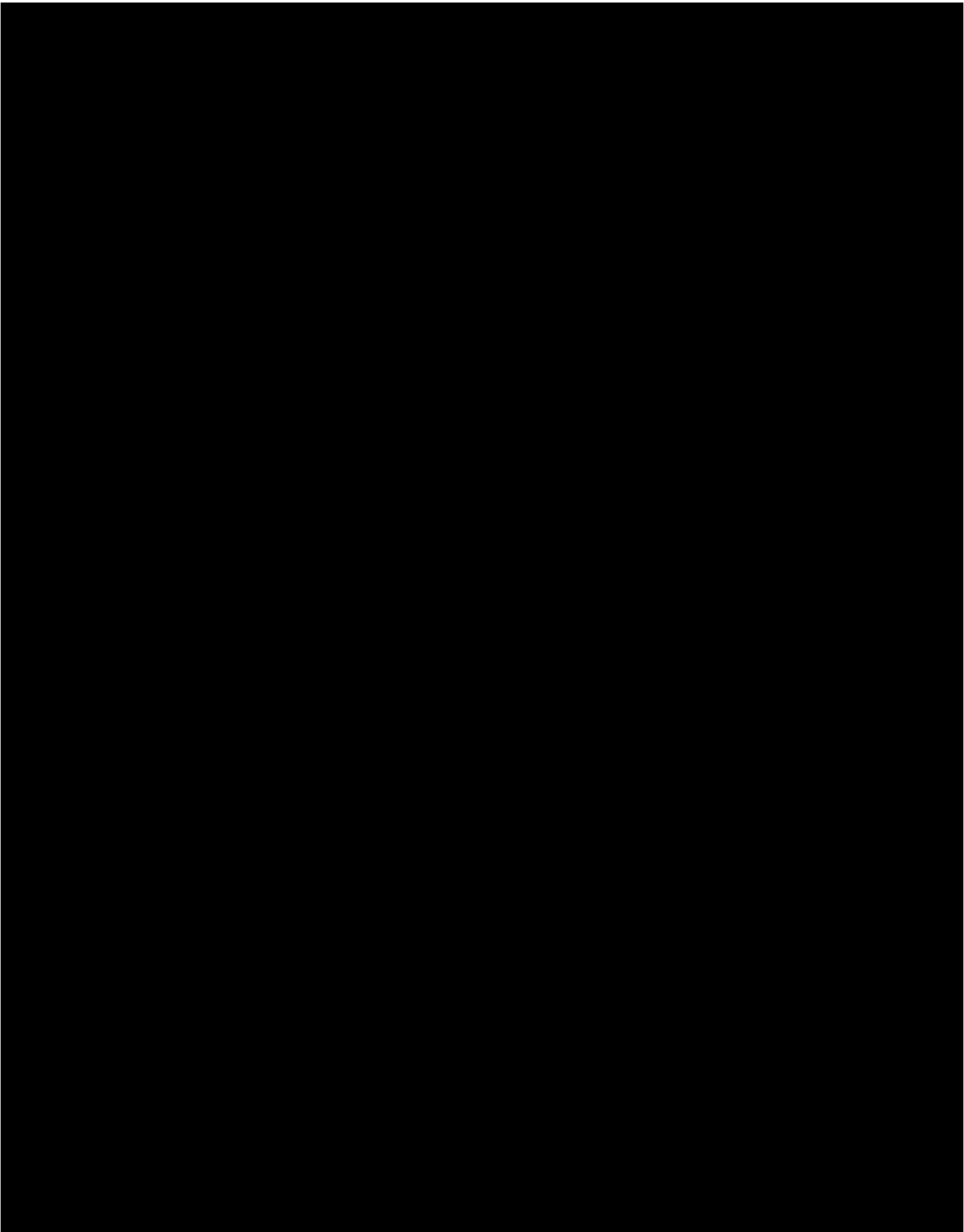
Best regards,

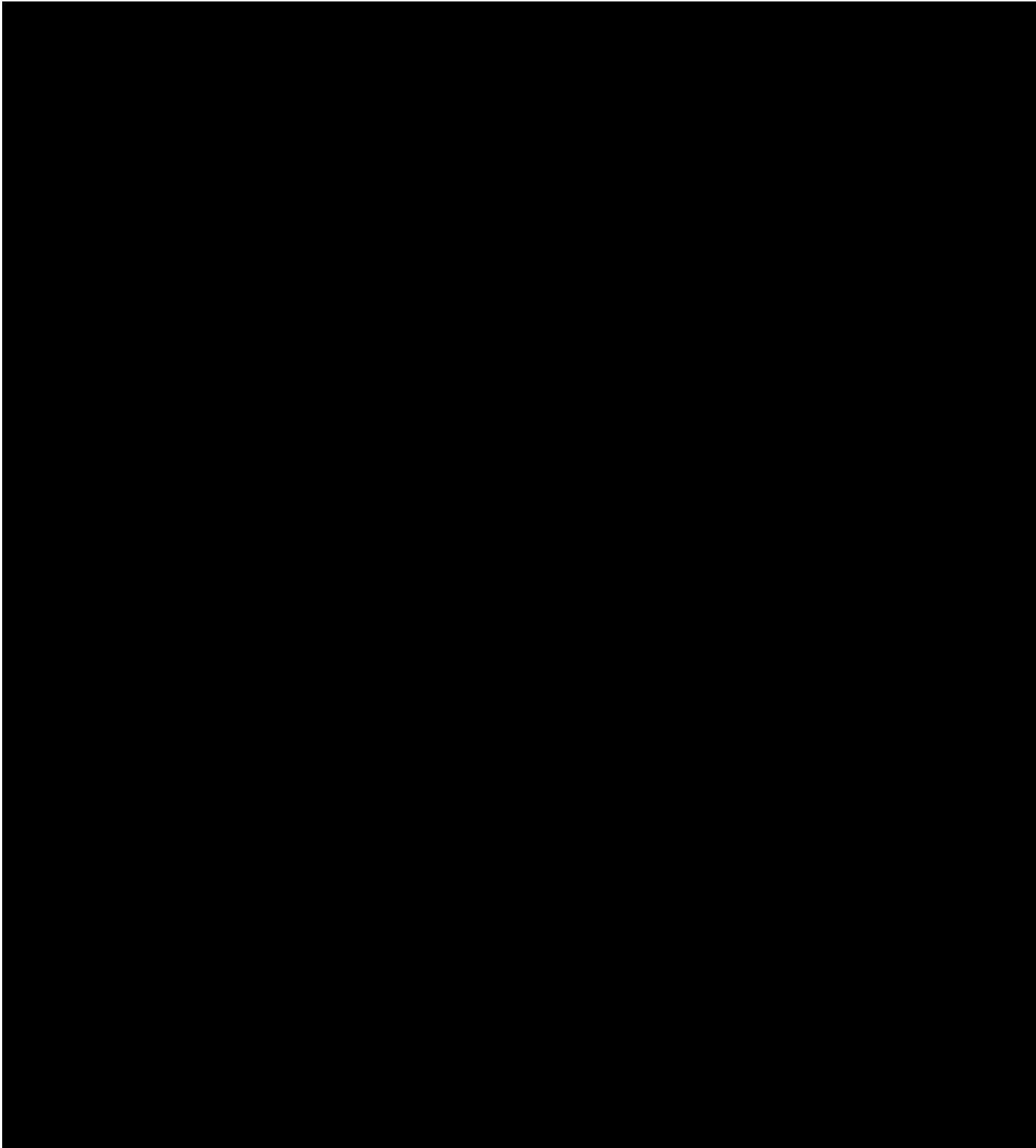
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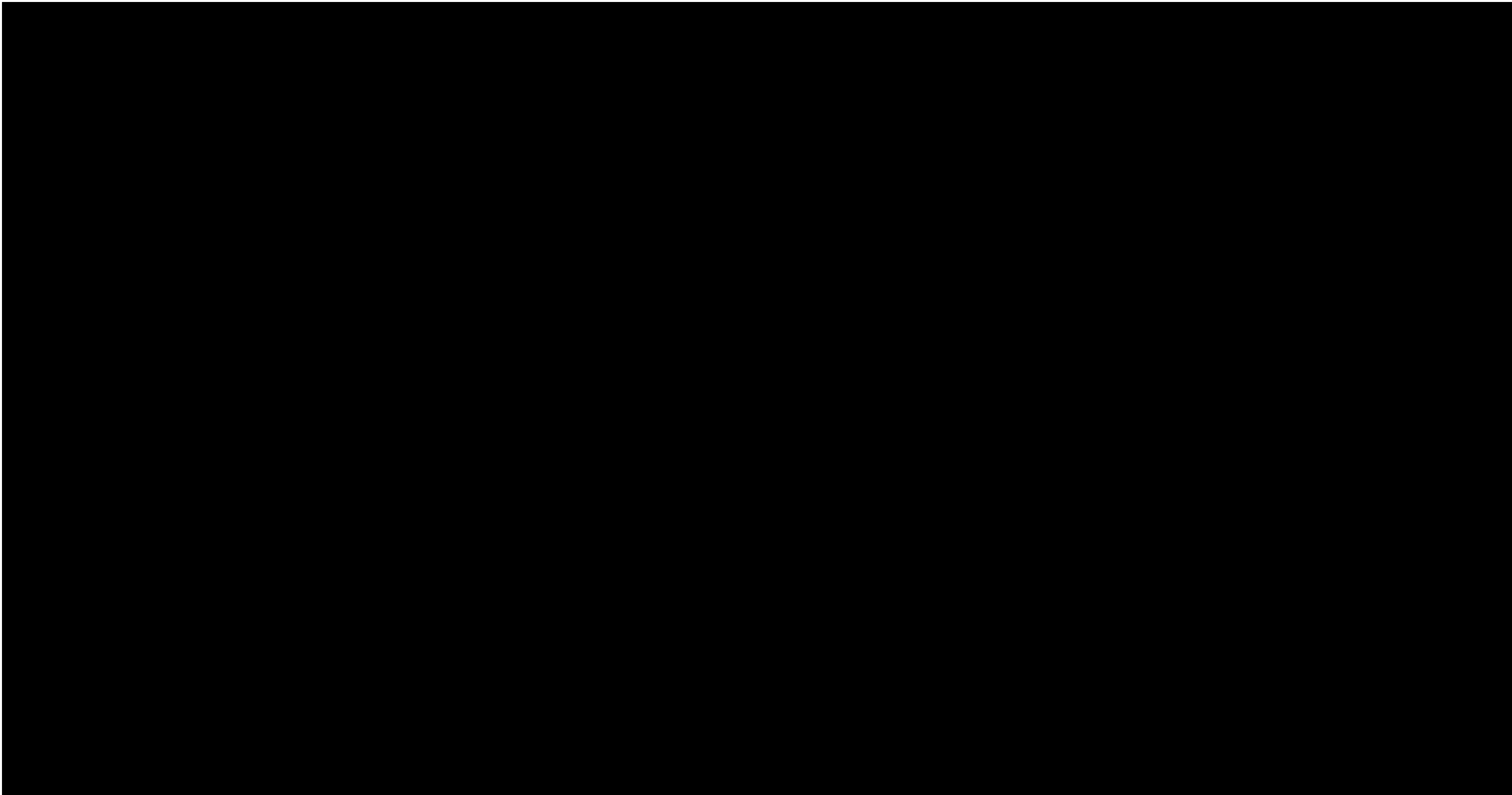


**Jack Harris**  
Generation Integration Engineer  
Taylor, TX









# **Attachment G**

## **Rejection Notice**



**From:** [NOGRR245](#)  
**To:** [Bonskowski, Ned](#); [Rake, Stewart](#)  
**Cc:** [de la Garza, Mario](#)  
**Subject:** Upton County Solar 2 Extension Rejection Notice  
**Date:** Monday, June 8, 2026 3:29:11 PM  
**Attachments:** [image001.png](#)  
[Extension Rejection CASL\\_GAP\\_UNIT1.pdf](#)

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**External Email:** Use caution with links and attachments.

Upton County Solar 2:

Please see the attached Extension Request Rejection Notice for the CASL\_GAP\_UNIT1 Resource.

Regards,

ERCOT Logo



8000 Metropolis Drive (Bldg E), Suite 100  
Austin, TX 78744

## Re: Extension Request Rejection Notice

**Date:** June 8, 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.

Upton County Solar 2 LLC (Upton County Solar) originally requested an extension for NOG §§ 2.6.2.1(6), 2.9.2.1(1), (3), and (7) for the CASL\_GAP\_UNIT1 Resource.

ERCOT reviewed Upton County Solar’s September 2025 extension request and information submission and found it incomplete. Consequently, ERCOT sent a Missing Information Request (MIR) to Upton County Solar on 12/9/25 pursuant to NOG § 2.12.1.3(1)(b) indicating the submission was missing information related to frequency ride-through (FRT) items (d), (e), (f), (g), (j), and (k) and voltage ride-through (VRT) items (d), (f), (g), (j), and (k). ERCOT also required Upton County Solar to submit models accurately representing expected performance reflecting all technical limitations.

Upton County Solar did not respond to the MIR but, instead, sent an email with a new DocuSign document and OEM letter. In the revised 12/22/25 submittal, Upton County Solar changed its extension request to only NOG § 2.6.2.1(6), but it did not satisfactorily respond to the questions ERCOT included in the MIR for FRT item (g) or provide the model required by FRT item (l) and, instead, stated, “[a] revised model incorporating the post-modification settings will be completed prior to November 20, 2026, and will be sent to ERCOT for approval prior to implementation of the new settings.”

Because ERCOT found that submission still deficient, it sent Upton County Solar a second MIR on 2/24/26 again with instructions to submit, by 3/11/26, a model accurately representing expected performance reflecting all technical limitations as required by NOG §§ 2.11.1(l) and 2.12.1(3)(c).

On 3/5/26, Upton County Solar representatives met with ERCOT representatives. In that meeting, Upton County Solar informed ERCOT it issued a purchase order for model development to the

OEM and hoped to have a model ready shortly after April 2026 and also requested an extension to 6/30/26 to provide the required models. The ERCOT representatives informed Upton County Solar the NOG required all information (including models) to be submitted by 4/1/25 (as extended) and ERCOT had given Resource Entities many opportunities to provide missing information. In response, the Upton County Solar representatives informed ERCOT that Upton County Solar could not timely meet the NOG requirements and did not agree with the requirements. In its response to ERCOT's second MIR on 3/12/26, Upton County Solar ask ERCOT to extend the deadline to provide a model until June 30, 2026. At the time of that request, almost one full year had transpired since the original due date of 4/1/25. Subsequently, on 4/23/26, Upton County Solar sent an email to ERCOT's Dynamics group indicating Upton County Solar had abandoned work on a model, the Resource's current control system could not comply with the NOG requirements and requesting an extension to replace the control system in 2026.

As of 6/8/26, Upton County Solar has not submitted a model accurately representing expected performance reflecting all technical limitations as required by NOG §§ 2.11.1(I) and 2.12.1(3)(c) and, therefore, ERCOT is unable to grant the extension and hereby rejects the extension request.

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

Please note, even though ERCOT has rejected the extension request, the NOG still requires Upton County Solar 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).

# **Attachment H**

## **ERCOT Model Acceptance**

