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PUC DOCKET NO. _____

**MEDINA COUNTY POWER NR I,
LLC'S COMPLAINT AND APPEAL OF
THE DECISIONS OF THE ELECTRIC
RELIABILITY COUNCIL OF TEXAS**

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**BEFORE THE PUBLIC UTILITY
COMMISSION OF TEXAS**

**MEDINA COUNTY POWER NR I, LLC'S COMPLAINT AND APPEAL OF
DECISIONS OF THE ELECTRIC RELIABILITY COUNCIL OF TEXAS AND
REQUEST FOR GOOD CAUSE EXCEPTION TO EXPEDITE PROCEEDINGS**

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POWER NR I, LLC**

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

Pursuant to 16 Tex. Admin. Code (“TAC”) § 22.251, Medina County Power NR I, LLC (“MCP”) complains of and appeals certain conduct and decisions by the Electric Reliability Council of Texas (“ERCOT”) that were not addressed by ERCOT’s dispute and reconciliation process under Planning Guide Section 9.3.1(2)(a). The dispute arises from MCP’s submission of its Medina Technology Park project, BZ-322 (the “Medina Project”), as “base load” under ERCOT’s Planning Guide Section 9.2.1.1, and ERCOT’s conditional classification of the Medina Project as “studied load” under Section 9.2.1.2.¹ The Medina Project met all requirements of Planning Guide Section 9.2.1.1 and should therefore be conditionally classified as base load, without further study.

Pursuant to Planning Guide Section 9.3.1(2)(a)(i), loads eligible as base load status that ERCOT has conditionally classified as studied load are eligible for the dispute and reconciliation process. MCP timely disputed its conditional classification as studied load by completing ERCOT

¹ “Studied load” is Batch Zero load that is subject to reliability assessment and allocation. See Section 9.2.1.2 (eligibility criteria for inclusion as load to be studied and allocated in Batch Zero).

Batch Zero Process: Section 9.3.1 Provisional Classification Dispute Form (“Dispute Form”), issued with ERCOT’s September 3, 2026, Market Notice, M-A080326-04, *Batch Zero Conditional Classification issued to Transmission and/or Distribution Service Providers* (“Classification Notice”) (Exhibit 1). On September 14, 2026, ERCOT rejected MCP’s dispute and agreed to waive its Alternative Dispute Resolution (“ADR”) process, and no more than thirty-five days have elapsed since then. Accordingly, this complaint and appeal is timely filed.

In this proceeding, MCP requests the Commission overturn ERCOT’s decision to deny MCP’s designation as base load in Batch Zero. Additionally, because of the time sensitivity of the Batch Zero process, including the impending start of the Batch Zero base load study process, and the harm to MCP of being classified conditionally as studied load, MCP requests a good cause exception to the procedural requirements in 16 TAC § 22.251 so that this matter may be resolved on an expedited basis. It is critical for load to have the designation as base load in Batch Zero because it means the load is not subject to additional studies before being included in that process. This designation also gives developers, such as MCP, confidence in a project’s capacity allocation, rate, and time of interconnection. By contrast, a developer of a load designated as studied does not have reliable confidence in its interconnection capacity, cost, or timeline.

MCP further requests that the Commission enter its standard form protective order for use in this proceeding. The standard form of the protective order is attached as Attachment A.

I. EXECUTIVE SUMMARY

MCP is an Interconnecting Large Load Entity (“ILLE”) developing the Medina Project, a 500 MW data center in Medina County, Texas. MCP timely requested, pursuant to Planning Guide

Section 9.2.1.1, to be included as “base load not subject to additional study”² in the Batch Zero process. MCP met all the requirements of Planning Guide Section 9.2.1.1(1)(e), including receiving ERCOT’s determination that MCP had a complete and valid set of the interconnection studies required in Section 9.2.1.4. MCP also submitted a fully compliant attestation package on July 9, 2026 (Exhibit 1), provided all required financial security, and has entered into a binding end use customer agreement for the full load capacity of the Medina Project.

Although MCP satisfied all the Planning Guide requirements to be designated as base load not subject to additional study, ERCOT’s September 3, 2026 Classification Notice conditionally classified the Medina Project as studied load (Exhibit 2). ERCOT only included a vague mention of an invalid study, which on its face appeared incorrect given the prior study approvals, and provided no rationale for its assertion that that study was invalid. In communications with ERCOT to try to ascertain the basis of its conclusion, ERCOT wrongly asserted the Medina Project no longer had a complete and valid set of interconnection studies because the studies excluded specified load. MCP understands from South Texas Electric Cooperative, Inc. (“STEC”), the interconnecting Transmission Service Provider (“TSP”), that the load ERCOT identified as “conflicting load” with the interconnection studies was located *outside* the study area reviewed by ERCOT and STEC in the kickoff meeting. Three separate loads originally appeared to be of concern to ERCOT as not included in the study area. The exclusion of these three loads that were outside of the study area reviewed in the kickoff meeting, ultimately is what ERCOT asserts invalidated the studies.

² As referenced in Planning Guide Section 9.2.1.1 but generally known as “base load.”

All of the identified load is electrically remote. The three loads appear to continue to be at issue despite being 15 stations away from the Medina Project's point of interconnection and as far as seven counties away from the county in which the Medina Project is sited. It is outside of the kickoff study area and is not electrically relevant to the Medina Project. STEC and MCP believe all three studies were properly completed without the additional loads. STEC and MCP were not made aware by ERCOT that these loads should be included in a study area for the Medina Project until the Medina Project was reclassified from base load to studied and allocated load (Exhibit 12). The third load identified by ERCOT was not identified by ERCOT in time to be studied and could not be located in the base case model. The base case was not updated to include the third load until well after the July 10th deadline for the study date closed.

Even if a modification to the study area had been necessary (it was not), ERCOT failed to notify STEC of the need to include these loads during its many study consultations with STEC. Further, ERCOT never communicated that the failure to modify the study area would invalidate the Medina Project's studies. Planning Guide Section 9.2.1.4(2) expressly states that "[d]uring its review, ERCOT, *in consultation with the Interconnecting DSP and/or Interconnecting TSP*, will determine the completeness and validity of previous studies" (emphasis added). STEC has advised MCP that ERCOT did not consult with or inform STEC when modifying or expanding the scope of the study area established in the kickoff meeting was needed to consider additional loads.

While ERCOT Planning Guide Sections 9.2.1.4(4)(d) and 9.2.1.4(4)(e) allow ERCOT to determine if higher-placed base loads are located within or outside the study area during their review process, Section 9.2.1.4(2) requires ERCOT to consult with the Interconnecting TSP prior to modifying or expanding the study area. It does not allow ERCOT to unilaterally modify or expand the study area without such prior consultation. ERCOT cannot credibly contend that it

appropriately expanded the study area in question when it did so without consultation with STEC, especially as it had established a study scope in the kick-off meeting and further through submitted studies and restudies in coordination with STEC. Indeed, far from ever suggesting that STEC was required to include this load in its studies, ERCOT staff stated on July 1, 2026, that the addition of the load was an error that would be corrected in ERCOT's next report (Exhibit 3).

ERCOT's failure to disclose what it now appears to contend is the material reason for the Medina Project's conditional classification as load to be studied and allocated has significantly prejudiced MCP by denying its only opportunity to be conditionally classified as base load in Batch Zero. A base load conditional designation provides MCP with certainty as to how much load it can interconnect, when it can interconnect and energize, and the cost for such interconnection. The studied load classification, by contrast, provides the Medina Project none of this certainty. Classifying the Medina Project as studied load effectively requires MCP to start the study process over, despite having all required ERCOT-approved studies, meeting all financial commitments, and satisfying all other requirements as a Batch Zero base load, and may result in termination of the binding end use customer agreement MCP entered into. For these reasons MCP is requesting that the Commission act expeditiously and issue an order directing ERCOT to confirm its study parameters as not including the load it now asserts allegedly conflicts with the Medina Project, confirm MCP has complete and valid interconnection studies, and rule that the Medina Project is conditionally designated in Batch Zero as base load not subject to additional study. Given that resolution of this complaint and appeal must occur before the completion of the Batch Zero process to be meaningful, MCP also requests a good cause exception to expedite this proceeding, including discovery deadlines.

II. PARTIES

The names and addresses of MCP and its authorized representatives are as follows:

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MCP agrees to accept electronic service. MCP requests that service of all pleadings be made on each of the above listed individuals.

MCP seeks relief against ERCOT. ERCOT's contact information is set forth below:

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Senior Vice President - General Counsel
Electric Reliability Council of Texas (ERCOT)
8000 Metropolis Drive (Building E), Suite 100
Austin, TX 78744
Tel: (512) 225-7000
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Other interested parties include STEC. STEC's authorized representative is:

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Haynes and Boone, LLP
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San Antonio, TX 78212
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III. STATEMENTS REQUIRED BY 16 TAC SECTION 22.251(e)

A. Description of Underlying Proceedings or Related Proceedings.

On September 9, 2026, STEC submitted on behalf of MCP its dispute over the conditional designation set forth in the September 3, 2026, Classification Notice of the Medina Project as studied load pursuant to Planning Guide Section 9.3.1. On September 14, 2026, ERCOT, STEC, Medina Electric Cooperative (“MEC”), and MCP met to discuss the dispute. That same day, ERCOT, in accordance with Planning Guide Section 9.3.1, notified STEC and MCP that it had “reviewed the Batch Zero dispute form and the additional information discussed at the meeting this afternoon and denies the dispute. Thus, [the Medina Project’s] classification as studied load stands” (Exhibit 9).

ERCOT waived the ADR process under the ERCOT Protocols (Exhibit 9). This allowed MCP to move quickly to appeal ERCOT’s decision to the Commission (well within 35 days of the completion of ERCOT’s dispute process). Accordingly, this appeal has been timely filed as required by 16 TAC §22.251(d). There are no related proceedings.

B. Affected Entities

The affected entities include MCP, STEC, and ERCOT.

C. Concise Description of Conduct for Which Relief Is Sought

MCP seeks relief from the Commission to rescind ERCOT’s conditional classification of the Medina Project as load to be studied and allocated in Batch Zero, and to direct ERCOT to designate the Medina Project as base load not subject to additional study in the Batch Zero process consistent with Planning Guide Section 9.2.1.1.

D. Applicable Statutes, Rules, and ERCOT Protocols

Planning Guide Section 9.3.1 allows loads to dispute ERCOT's Batch Zero determinations. Both 16 TAC § 22.251(c) and Section 20 of the ERCOT Protocols require parties complaining of a decision, act, or omission by ERCOT to submit to ADR at ERCOT before initiating a complaint proceeding at the Commission, unless ERCOT agrees to waive ADR. In the instant case, ERCOT waived ADR.

MCP alleges that the following Protocols are at issue in this matter and were violated by ERCOT or are relied upon in bringing forth this complaint:

PURA § 39.001(c) – Mandates the regulatory authorities and independent organizations treat all market participants in a nondiscriminatory manner.

PURA § 39.151(a) – The independent organization must ensure access to the transmission and distribution systems for all buyers and sellers of electricity on nondiscriminatory terms.

PURA § 39.151(d) – An independent organization certified by the Commission is directly responsible and accountable to the Commission. The Commission has complete authority to oversee and investigate the organization's finances, budget, and operations as necessary to ensure the organization's accountability and to ensure that the organization adequately performs the organization's functions and duties. The organization shall fully cooperate with the Commission in the Commission's oversight and investigatory functions. The Commission may take appropriate action against an organization that does not adequately perform the organization's functions or duties or does not comply with this section.

16 TAC § 22.251 – This section prescribes the procedure by which an entity, including the commission staff and the Office of Public Utility Counsel, may appeal a decision made by ERCOT.

16 TAC § 25.361(b) – ERCOT shall perform the functions of an independent organization under the Public Utility Regulatory Act ("PURA") §39.151 to ensure access to the transmission and distribution systems for all buyers and sellers of electricity on nondiscriminatory terms; ensure the reliability and adequacy of the regional electrical network; ensure that information relating to a customer's choice of retail electric provider is conveyed in a timely manner to the persons who need that information; and ensure that electricity production and delivery are accurately accounted for among the generators and wholesale buyers and sellers in the region.

Planning Guide Section 9.2.1 – Provides the criteria for inclusion in Batch Zero, including criteria to be considered as base load not subject to additional study, which includes the requirement to have complete and valid interconnection studies.

Planning Guide Section 9.2.1.4 – Addresses how ERCOT evaluates existing interconnection studies for large loads and requires that during its review, ERCOT, in consultation with the Interconnecting distribution service provider and/or Interconnecting TSP, will determine the completeness and validity of previous studies.

E. Statement of Whether Complainant Used the Applicable ERCOT Procedures for Challenging or Modifying the Complained-of Conduct

MCP unsuccessfully challenged ERCOT's determination pursuant to Planning Guide Section 9.3.1. As stated above, ERCOT waived ADR.

F. Statement Related to Suspension

MCP does not request that the Commission suspend ERCOT's decision while this case is pending.

G. Jurisdiction

The Commission has jurisdiction over this matter under PURA § 39.151(d-4)(6), which authorizes the Commission to resolve disputes between ERCOT and persons affected by ERCOT's acts or omissions. PURA § 39.151 provides the Commission with complete oversight authority over ERCOT and ERCOT's administration of the Protocols adopted in furtherance of PURA and Commission Rules. The Commission also has jurisdiction under 16 TAC § 22.251, which prescribes the procedure by which an entity may appeal a decision by ERCOT.

IV. NOTICE

MCP will provide notice of this complaint to (i) ERCOT's General Counsel and the Office of Public Utility Counsel pursuant to 16 TAC § 22.251(d)(4) and (ii) STEC. MCP requests that the Commission direct ERCOT to provide notice of this complaint to all qualified scheduling entities and the relevant ERCOT committees and subcommittees pursuant to 16 TAC § 22.251(f).

V. PROPOSED PROCEDURAL SCHEDULE – GOOD CAUSE EXCEPTION REQUEST

Pursuant to 16 TAC § 22.5, the Commission “may grant exceptions to any requirements in this chapter.” Additionally, 16 TAC § 22.251(l) provides that the “presiding officer may grant a request to extend or shorten the time periods established by the rule for good cause shown.” Cause is provided by the timing sensitivity in this case and the need to grant MCP’s requested relief before the Batch Zero study begins, which is expected to be once ERCOT concludes its audit and verification process. Therefore, so that ERCOT can timely proceed with the Batch Zero study process under proper direction, MCP is requesting a good cause exception to the timing requirements of 16 TAC § 22.251. MCP requests an expedited procedural schedule and expedited discovery schedule. MCP has obtained STEC’s consent to the foregoing schedule.

Any delay of this proceeding beyond the conclusion of ERCOT’s audit and verification process will cause irreparable harm to MCP and the Medina Project. MCP has met all deadlines, submitted and obtained ERCOT approval of all required studies, and met all financial and other commitments for the Medina Project. ERCOT’s decision to disregard the previously agreed-to study area without first consulting STEC, its reversal of prior guidance and practice regarding the study area, and its identification of the alleged conflicting load—all actions taken several months after STEC submitted the studies—has caused risk, delay, and uncertainty that is harming the Medina Project. Further delays and restudies will cause further harm.

In addition to the proposed procedural schedule, MCP requests that the Commission order (i) discovery to commence immediately and (ii) a shortened response period so that requests for information are answered within 10 days after receipt, instead of the 20 days provided for in 16 TAC § 22.144.

The proposed procedural schedule is as follows:

Event	16 TAC § 22.251 Deadline	Requested Deadline
Deadline for ERCOT to provide notice per 16 TAC § 22.251(e)	14 days of receipt of the complaint (October 13, 2026)	October 13, 2026 (14 days of receipt of the complaint)
ERCOT response to complaint	28 days of receipt of the complaint (October 27, 2026)	October 20, 2026 (21 days of receipt of the complaint)
Other parties' responses	45 days after the date the complaint is filed (November 13, 2026)	October 29, 2026 (30 days of receipt of the complaint)
Commission Staff comments	45 days after the date the complaint is filed (November 13, 2026)	October 29, 2026 (30 days of receipt of the complaint)
Motion to intervene and intervenor response/comments	45 days after the date the complaint is filed (November 13, 2026)	October 29, 2026 (30 days of receipt of the complaint)
Complainant's reply to a party response or Staff comments	55 days after the date the complaint was filed (November 23, 2026)	November 4, 2026 (36 days after the complaint is filed)
Request for evidentiary hearing	N/A	November 4, 2026 (36 days after the complaint is filed)

VI. STATEMENT OF ISSUES

16 TAC § 22.251(e)(2)(F) requires a complainant to provide “a statement of all questions of fact the complainant contends require an evidentiary hearing.” Accordingly, MCP presents the following issues to the Commission:

- 1) Was MCP's application sufficient under Planning Guide Section 9.2.1.1(e)?
- 2) Did ERCOT violate Planning Guide Section 9.2.1.1 because it did not conditionally classify the Medina Project as “base load not subject to additional study” in the Batch Zero process?
- 3) Did ERCOT violate Planning Guide Section 9.2.1.4 because it failed to consult with STEC when determining the completeness and validity of the Medina Project studies?

- 4) Did ERCOT err when evaluating the studies for the Medina Project by including load that was outside of the study area other than that agreed to in the kickoff meeting?
- 5) Did ERCOT have the authority to change parameters for the interconnection study without STEC's consent?
- 6) Was it reasonable for STEC to rely on ERCOT's admission of error when communicating regarding the other large loads to be included in the interconnection study?
- 7) Did ERCOT treat other loads in the study area in the same manner as the Medina Project such that ERCOT also required those large loads to be included in the interconnection study for those ILLEs?

VII. STATEMENT OF FACTS

MCP submitted its interconnection request for the Medina Project to Medina MEC and STEC in April 2024 and initiated a supporting engineering study in May 2025. MCP entered into a Facilities Agreement with STEC on July 18, 2025, and a Substation and Transmission Facilities Agreement with MEC on July 1, 2025. MCP has satisfied all obligations under both agreements and followed all applicable ERCOT Protocols, guides, and processes. MCP has paid all required security and has actively cooperated with STEC to advance the Medina Project. MCP submitted a fully compliant attestation package on July 9, 2026, and has entered into a binding end use customer agreement for the full load capacity of the Medina Project.

As part of MCP's attestation package for eligibility as base load under Planning Guide Section 9.2.1.1(e), MCP relied on the following studies—all of which ERCOT approved:

- The Stability Study, approved by ERCOT on December 29, 2025, later revised in response to ERCOT directives and reapproved by ERCOT on June 19, 2026 (the “Stability Study”) (Exhibit 4);
- The Steady-State Study approved by ERCOT on March 10, 2026, later revised in response to ERCOT directives and reapproved by ERCOT on June 11, 2026 (the “Steady-State Study”) (Exhibit 5);
- On April 14, 2026, ERCOT determined that the Medina Project satisfied the requirements of Planning Guide Sections 9.4 and 9.5 (Exhibit 6); and
- The Short Circuit Study, approved by ERCOT on May 5, 2026 (the “Short Circuit Study”).

In addition, the Medina County Large Load RPG (25RPG046) submitted to ERCOT on December 17, 2025 (the “Medina County Study”) did not include the load ERCOT is now requiring to be included in the study area (Exhibit 8).

ERCOT approved all of the Medina Project studies and notified STEC of those approvals. ERCOT now contends that those studies were invalid because STEC did not include a large load facility that is outside the original study area established in the kickoff meeting. ERCOT had ample opportunity to notify STEC and MCP—and *indeed was required to do so under its Planning Guide procedures*—that it believed an additional load should have been included in the studies. MCP understands that ERCOT never communicated any of this to STEC. MCP therefore had no reason to believe that any of the studies were invalid or incomplete.

When ERCOT explicitly requested a restudy, STEC and MCP complied, even though the studies were complete.³ STEC has advised MCP that ERCOT did not communicate any need for restudy or any issues with the previously approved studies until after the Classification Notice issued on September 3, 2026. Both MCP and STEC have been in constant communication, and MCP understands that STEC has been consistently and actively engaged with ERCOT. Additionally, MCP understands that ERCOT led STEC to believe that the inclusion of the additional load was made in error and would be corrected (Exhibit 3). Without warning, ERCOT then abruptly changed its determination, without communicating its reversal of position to STEC in time for STEC to address the issue. MCP understands that STEC appears to have been notified of the reversal only after ERCOT released the final large load classification on September 3, 2026. STEC was not consulted before the study area was modified or expanded, in clear violation of Planning Guide Section 9.2.1.4 (Exhibit 10).

With respect to MCP's load, STEC has cooperated fully with ERCOT's directives regarding study expectations and corrections. The timeline shows that ERCOT has acted inconsistently on several other occasions in considering the Medina Project. For example, STEC completed the Steady-State Study and Stability Study for MCP by March 2026. On April 14, 2026, ERCOT determined that the Medina Project satisfied the requirements of Planning Guide Sections 9.4 and 9.5. However, the next day, April 15, 2026, ERCOT reversed that determination, asserting for the first time that other nearby loads needed to be included in the study ahead of the Medina

³ As an example, ERCOT approved the Medina Project's Short-Circuit Study on May 5, 2026. After that date, ERCOT requested a restudy because specified load was not included in the original Short-Circuit Study. STEC complied with ERCOT's request to reevaluate the Short-Circuit Study even though ERCOT was incorrect—the load ERCOT believed was not part of the study had been previously included by STEC. Despite this, STEC conducted a restudy, which showed the same results, the load had no impact.

Project (Exhibit 7). ERCOT advised STEC on April 22, 2026, that STEC must reevaluate/restudy the Medina Project's Steady-State and Stability Studies to account for those additional loads even though STEC had already presented those additional loads to ERCOT through previously approved studies (Exhibit 8). MCP and STEC promptly addressed ERCOT's concerns and completed the restudies ERCOT required. ERCOT then approved the revised Steady-State Study on June 11, 2026, and the revised Stability Study on June 19, 2026.

MCP understands that STEC fully and timely addressed each of these approvals and alleged deficiencies that ERCOT identified. At no point during this process did ERCOT state or even suggest that it had expanded the study area to include what it now contends are additional conflicting loads—loads located much farther away, both geographically and electrically, than any other loads previously identified in the study area identified in the kickoff meeting. ERCOT appears to have not followed its process for communicating with STEC about the studies, causing STEC to believe the studies remained valid.

It was not until July 30, 2026, after the July 10, 2026 date by which studies had to be valid pursuant to Planning Guide Section 9.2.1.1(1)(e)(i) to be eligible as base load for Batch Zero, that ERCOT raised any questions with STEC regarding the studies. But at that time, STEC had no reason to believe the studies were invalid as the questions ERCOT was raising regarding the studies concerned load well outside the agreed-to study area and was not electrically relevant. Had ERCOT engaged in a timely manner, STEC and MCP were ready, willing, and able to address concerns, regardless of their merit, as they had previously done, and as evidenced by STEC's prompt response to the questions ERCOT posed in its July 30, 2026 communication to STEC. STEC believed, and continues to believe, the issues identified by ERCOT on July 30, 2026, are not relevant as the loads identified were outside of the study area and too far away to be electrically

relevant. ERCOT had no basis for including these loads in the study area when conditionally classifying the Medina Project as load to be studied in Batch Zero.

MCP had received all required ERCOT study and Planning Guide approvals prior to the July 10, 2026 deadline. MCP also engaged in extensive back and forth communications with STEC and ERCOT, including unnecessary resubmission of certain studies due to ERCOT directives. Nevertheless, on September 3, 2026, ERCOT's Classification Notice conditionally classified the Medina Project as studied load in Batch Zero. The Classification Notice does not identify any outstanding deficiency in the technical studies or in any other portion of the materials provided by MCP necessary for consideration as base load in Batch Zero under Planning Guide Section 9.2.1.1(e). The Steady State and Stability Studies were completed and approved by ERCOT, reevaluated at ERCOT's request, and re-approved by ERCOT. The Short-Circuit Study obligation was also fulfilled. Neither STEC nor MCP had any basis for understanding why the Medina Project was not granted its requested classification as base load not subject to additional study and was instead going to be restudied yet again.

On September 9, 2026, MCP submitted its Dispute Form. As the Dispute Form explains, MCP received no explanation in the Classification Notice (or otherwise) of any alleged deficiencies that could have existed, or the reasoning behind the Medina Project's classification as load to be studied and allocated in Batch Zero. It was not until ERCOT met with STEC and MCP on September 14, 2026, that MCP learned that ERCOT had, without the required notice and consultation, purported to expand the study area and reversed its prior practice for coordinating a study area with the TSP as required under the Planning Guide.

Following the September 14, 2026 meeting, ERCOT provided the following reasons via email regarding the load to be studied and allocated in Batch Zero classification (Exhibit 11):

- Pursuant to the Planning Guide, ERCOT performed the Batch Zero “ladder” process and created a hierarchical master list of Large Loads that met the maturity criteria.
- As part of that process, ERCOT looked at the Large Loads ranked ahead of LLI-2096 (BZ-322) and found three Large Loads STEC did not include in the prior study for BZ-322.
- On 7/30/26, ERCOT sent an RFI to STEC regarding those three Large Loads and included a spreadsheet (*Missing Nearby Loads - LLI-2096 (Rodgers)_STEC.xlsx*)
 - For two of the Large Loads in the spreadsheet, STEC replied that they are “in a different county” (*i.e.*, implicitly indicating STEC believed they should not have been in the study area for BZ-322)
 - However, STEC did not make that argument for the *third* Large Load ERCOT listed in the spreadsheet (in Row 11) and, instead, merely acknowledged it had not included that Large Load in the prior study for BZ-322.⁴
- It is STEC’s failure to include *that* Large Load in the prior study that ERCOT relied on to reclassify BZ-322 as studied load.⁵

The communications with ERCOT on September 14, 2026, were the first time ERCOT informed STEC and MCP that the agreed-to study area now includes the allegedly conflicting load. However, the allegedly conflicting load is well outside the agreed-to study area and should not have been considered in the Medina Project’s Section 9.2.1.4 review. As explained above, the load identified as conflicting load is electrically remote from the Medina Project and is appropriately excluded from the study area, as ERCOT itself had stated in its July 1 communication to STEC (Exhibit 3).

Although ERCOT previously told STEC that its inclusion of the additional load was an ERCOT error that would be corrected in its next report, ERCOT now relies on STEC’s lack of

⁴ STEC later noted that this third large load was electrically and physically very far away from the Medina Project and that it was outside the county, which was the study area.

⁵ If ERCOT’s model had included the third bus and ERCOT had timely requested that the bus be included, then the large load would have been studied.

response to a single spreadsheet entry for an allegedly conflicting load well outside of the agreed-to study area to invalidate the studies and downgrade the Medina Project to load to be studied and allocated in Batch Zero. The decision is unsupportable. STEC and MCP engaged extensively with ERCOT and demonstrated their willingness and ability to promptly resolve ERCOT's concerns. ERCOT's decision is also inconsistent with ERCOT's prior statements and practice. It also raises the concerning question of whether ERCOT's evaluation of other large loads' studies contains the same erroneous conclusions or whether ERCOT has unreasonably imposed a requirement on MCP that it has not imposed on other ILLEs.

VIII. ARGUMENT

A. ERCOT's Factual Determinations Are Not Entitled to Commission Deference

16 TAC § 22.251(m) provides the standard for Commission review of ERCOT's decisions, acts, or omissions in a complaint proceeding such as this one:

- (1) If the factual determinations related to the ERCOT conduct complained of have not been provided or established in a manner that meets the procedural standards under paragraph (3) of this subsection, or if factual determinations necessary to the resolution of the matter have not been provided or established, the commission will resolve any factual issues on a *de novo* basis....
- (3) Facts must be determined:
 - (A) in proceeding to which the parties have voluntarily agreed to participate; and
 - (B) By an impartial third party under circumstances that are consistent with the guarantees of due process inherent in the procedures established by the Texas Government Code Chapter 2001 (Administrative Procedure Act).

ERCOT's factual determinations must be reviewed on *de novo* unless those factual determinations are made by an impartial third party under circumstances that are consistent with

guarantees of due process inherent in the Texas Administrative Procedures Act (“APA”).⁶ The factual determinations that ERCOT relied upon were not made by an impartial third party, but instead were the decisions of ERCOT staff, without the necessary consultation with STEC. Therefore, those determinations are not entitled to any deference. Moreover, due process guarantees inherent in the APA procedure include the right to participate in a hearing and present evidence.⁷

B. No Basis Exists for ERCOT to Invalidate the Medina Project’s Studies

ERCOT approved each of the Medina Project’s studies on multiple occasions. Before July 10, 2026, the deadline for valid study under Planning Guide Section 9.2.1.1(1)(e)(i), ERCOT never suggested that those approved studies were invalid. By no longer deeming the studies complete and valid, ERCOT deprived the Medina Project of its classification in Batch Zero as base load not subject to additional study. ERCOT based its decision on the improper conclusion that the allegedly conflicting load fell inside the study area and had to be included in STEC’s previously submitted studies (which ERCOT had already approved). ERCOT itself recognized that inclusion of such load in the study would be an error (Exhibit 3). But ERCOT never consulted with STEC about its unilateral adjustment to the study area, and that load is 15 stations away from the Medina Project’s point of interconnection and is as far as seven counties away from the county in which the Medina Project is sited. Because the allegedly conflicting load falls outside the study area, ERCOT’s decision to invalidate the studies was flawed and should be reversed. With studies valid

⁶ The APA is codified in Chapter 2001 of the Texas Government Code.

⁷ Failure to provide an independent *de novo* review would also raise constitutional concerns as to the unlawful delegation of governmental power to ERCOT.

and complete, the Medina Project qualified under Planning Guide Section 9.2.1.1(1)(e) to be conditionally classified as base load not subject to additional study in the Batch Zero process.

C. ERCOT Erred by Failing to Consult with STEC in Violation of Its Own Procedures

ERCOT Planning Guide Section 9.2.1.4(2) clearly states that “[d]uring its review, ERCOT, *in consultation with the Interconnecting DSP and/or Interconnecting TSP*, will determine the completeness and validity of previous studies” (emphasis added). ERCOT violated that requirement by modifying or expanding the study area and invalidating the studies without consulting with or informing STEC.

D. Sound Policy Supports MCP’s Appeal

Developers like MCP who invest significant capital and resources into their projects recognize that regulatory certainty is essential to project development, customer contracting, financing, and infrastructure planning. Indeed, developers and their customers must be able to rely on ERCOT to administer a fair, transparent, and predictable process when making irreversible commercial commitments. ERCOT’s Batch Zero process—although quickly drafted and implemented, leaving developers little time to meet Planning Guide Section 9’s timelines—is supposed to provide this regulatory certainty.

In reliance on ERCOT’s representations, MCP did everything in its power to preserve the Medina Project’s ramp schedule and megawatt request. MCP moved forward with development activities and entered into binding commercial arrangements for the Medina Project, including commitments with its end-use customer. Despite this, and after the July 10, 2026 deadline for studies to be complete and valid, and after ERCOT had approved all of the studies relating to the

Medina Project, ERCOT took issue with the omission of certain large loads in STEC's restudy. At that point there was nothing that could be done to fix the issue.

Allowing ERCOT to make such ad hoc determinations, without consultation, undermines regulatory certainty and jeopardizes investments made in reliance on the validity of previously approved studies. Going from being classified as "base load not subject to additional study" to "studied load subject to reliability assessment and allocation" is not just a delay of a few months, it could kill a project, particularly if the studies do not provide for the same megawatt allocation at the same ramp schedule with the same needed transmission and infrastructure investment costs. ERCOT's arbitrary decision to invalidate a load that no reasonable TSP would include in a study area should not be allowed to jeopardize a real project that has made real investment. ERCOT's decision may put the Medina Project's end use customer agreement in jeopardy.

IX. CONCLUSION AND PRAYER FOR RELIEF

MCP respectfully requests that the Commission (1) find ERCOT violated the Planning Guide criteria by classifying the Medina Project as studied load; (2) require ERCOT to reclassify the Medina Project in Batch Zero as base load not subject to additional study; and (3) grant MCP any other relief to which it is justly entitled. MCP further requests that the Commission enter its standard form protective order for use in this proceeding.

Dated: September 29, 2026

Respectfully submitted,

K&L GATES LLP

By: Maria Faconti
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Tel: (202) 661-6271
John.Longstreth@klgates.com

**ATTORNEYS FOR
MEDINA COUNTY
POWER NR I, LLC**

CERTIFICATE OF SERVICE

I certify that that a true and correct copy of this pleading has been forwarded by electronic mail to all parties of record on the 29th day of September, 2026.

Maria Faconti
Maria Faconti

AFFIDAVIT

COMMONWEALTH OF VIRGINIA

COUNTY OF Fairfax

BEFORE ME, the undersigned notary public, this day personally appeared Phillip Sandino, to me known, who being duly sworn according to law, deposes and says:

- 1) "My name is Phillip Sandino, I am of legal age and a resident of the State of Virginia. I am competent to make the following statements on behalf of Medina County Power NR I, LLC ("MCP").
- 2) I am the Senior Vice President of Utility Development for Tract Capital Management, LP, the asset manager of MCP and have been employed in this capacity since April 2023.
- 3) I have reviewed Medina County Power NR I, LLC's Complaint and Appeal of the Decisions of the Electric Reliability Council of Texas filed by MCP, including the Attachments, (herein after, the "Complaint"). The factual statements contained in the Complaint are true and correct to the best of my knowledge.
- 4) The foregoing statements are true and correct to the best of my knowledge and belief."

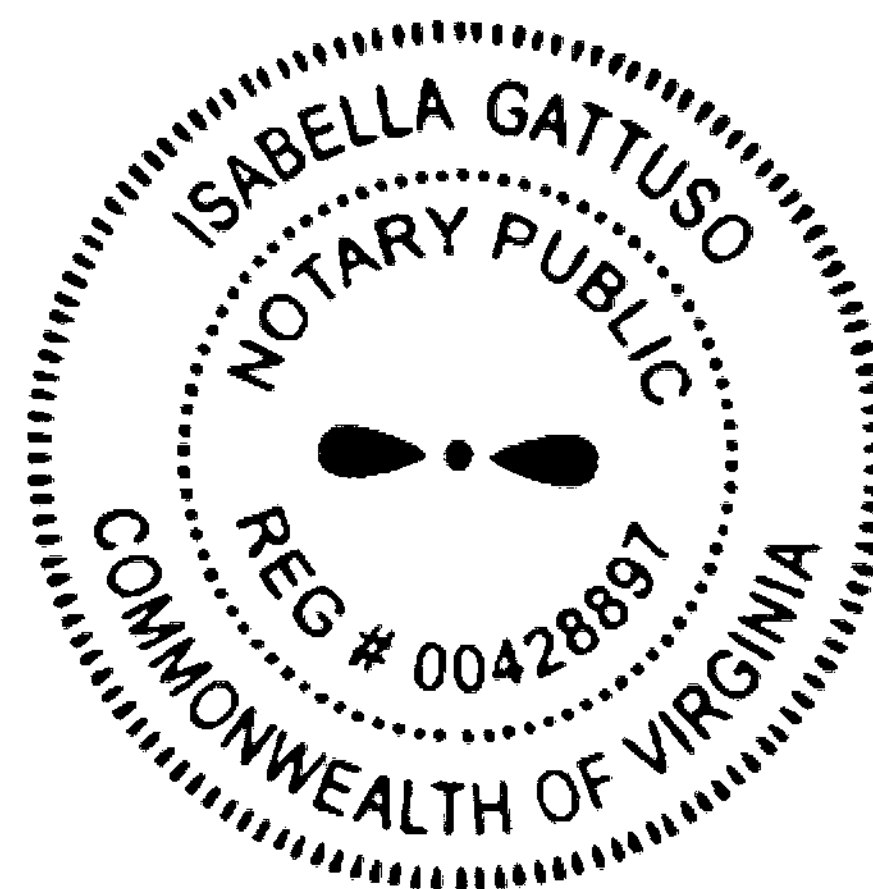


Phillip Sandino
Senior Vice President of Utility Development
Tract Capital Management, LP

Subscribed and sworn to before me, notary public, on this the 23th day of September 2026

 Isabella Gattuso
Notary Public of the Commonwealth of Virginia

My commission expires on 09/30/2030



Faconti, Maria C.

From: Melissa Funsten <melissa.funsten@tract.com>
Sent: Wednesday, September 9, 2026 4:23 PM
To: Allison Girvin
Subject: Fw: ERCOT PG Section 9.3.1 Dispute Form Package (BZ-322)
Attachments: ERCOT PG Section 9.3.1 Dispute Form Package (BZ-322).pdf

From: Dwight Jander <djander@stec.org>
Sent: Wednesday, September 9, 2026 2:23 PM
To: Melissa Funsten <melissa.funsten@tract.com>; Phillip Sandino <phillip.sandino@tract.com>
Cc: Brandi Aranda <brandia@medinaec.org>; treyg@medinaec.org <treyg@medinaec.org>; Clif Lange <clif@stec.org>
Subject: FW: ERCOT PG Section 9.3.1 Dispute Form Package (BZ-322)

Melissa / Phillip,

Forwarding the submission of your Batch Zero Conditional Classification Dispute for the Medina Technology Park project.

Dwight Jander
South Texas Electric Cooperative, Inc.
Direct: (361) 485-6156
Cell: (361) 649-3060
E-mail: djander@stec.org



From: Long Tran <long.tran@stec.org>
Sent: Wednesday, September 9, 2026 2:42 PM
To: BZReclassification@ercot.com
Cc: Dwight Jander <djander@stec.org>; Morgan Hudnall <mhudnall@stec.org>; Long Tran <long.tran@stec.org>
Subject: ERCOT PG Section 9.3.1 Dispute Form Package (BZ-322)

Hi ERCOT,

On behalf of Medina Technology Park project (BZ-322), STEC is submitting the PG Section 9.3.1 Dispute Form for ERCOT's review.

Please acknowledge receipt of the dispute form.

Thank you,

Long Tran

Transmission Planning Engineer

(361) 648-9593

Confidentiality Notice: This email message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, copy, use, disclosure, or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

ERCOT Batch Zero Process: Section 9.3.1 Provisional Classification Dispute Form

Purpose: ERCOT has provisionally classified the Large Load below under Planning Guide Section 9.2.1.2(1) rather than the base load path Section 9.2.1.1(1) under which it was submitted. Under Section 9.3.1(2)(a)(i), the Interconnecting Large Load Entity (ILLE) may dispute the provisional classification if it believes ERCOT based that classification on incomplete or inaccurate information. The ILLE must use this form to establish the basis for that dispute.

Who completes this form: The ILLE completes Sections 1–3 and returns this form to its Interconnecting Transmission Service Provider or Distribution Service Provider (Responsible TSP/DSP), which may add supporting information in Section 4. The Responsible TSP/DSP must email the form to ERCOT at BZReclassification@ercot.com no later than 5:00 p.m. CT on the due date specified in Section 9.3.1(2)(a)(i)–(iii) of the Planning Guide.

Deadline: Please review the applicable deadlines in Planning Guide Section 9.3.1(2)(a)(i). The chronologically dependent deadlines are illustrated below:

- ERCOT notifies the Responsible TSP/DSP of the provisional classification.
- The Responsible TSP/DSP shall notify the ILLE within two Business Days of receipt of ERCOT’s notice.
- To initiate a dispute:
 - ILLE must complete and submit this form to the Responsible TSP/DSP no later than three Business Days after receiving notice from the Responsible TSP/DSP; and
 - The Responsible TSP/DSP must submit the completed form to ERCOT by the deadline above (i.e., no later than three Business Days after the ILLE’s receipt of notice).
- ERCOT, the ILLE, and the Responsible TSP/DSP shall attempt to resolve the dispute within three Business Days after ERCOT receives notice of an initiated dispute.

1. Large Load Identification*

ILLE Name Medina County Power NR I, LLC

**Batch Zero
Number (BZ-)** BZ-322

**Large Load
Facility** Medina Technology Park

**Responsible
TSP/DSP** TSP: South Texas Electric Cooperative, Inc.; DSP: Medina Electric Cooperative, Inc.

2. Requested Base Load Pathway*

Check the single § 9.2.1.1(1) pathway under which the Responsible TSP/DSP submitted the IIJF's Large Load.

- ☐ § 9.2.1.1(1)(b) Initial Energization between March 25, 2022, and July 10, 2026
- ☐ § 9.2.1.1(1)(c) Qualified for stability assessment / interim voltage ride-through before May 1, 2026
- ☐ § 9.2.1.1(1)(d) Included in the Permian Basin Reliability Plan Study
- ☒ § 9.2.1.1(1)(e) Mature Large Load
- ☐ § 9.2.1.1(1)(f) Advancing Large Load

3. Grounds for the Dispute*

State the incomplete or inaccurate information on which you believe ERCOT based its provisional classification. See § 9.3.1(2)(a)(i).

ERCOT's conditional classification based on the validity of studies is inaccurate - the studies were completed, re-evaluated at ERCOT's direction, and approved by ERCOT

Explain why the IIJF believes ERCOT based its provisional classification on incomplete or inaccurate information and provide all supporting documentation.

Written explanation

Medina County Power NR 1, LLC ("MCP") disputes ERCOT's conditional status classification for Medina Technology Park (also referred to by ERCOT as "Rodgers") as Studied Load - Firm for Batch Zero and requests re-classification as Batch Zero Base Load based on the below details and the following ERCOT approved studies:

- Stability Study approved by ERCOT on December 29, 2025, and revised due to ERCOT errors and re-approved by ERCOT on June 19, 2026
- Steady-State Study approved by ERCOT on March 10, 2026, revised due to ERCOT errors and re-approved by ERCOT on June 11, 2026
- Short Circuit Study approved by ERCOT on May 5, 2026
- Medina County Large Load RPG (25RPG046) submitted to ERCOT on December 17, 2025

MCP submitted its interconnection request for the Medina Technology Park project (the "Project") to Medina Electric Cooperative ("MEC")/South Texas Electric Cooperative ("STEC") in April 2024 and initiated the engineering study in May 2025. MCP entered into a Facilities Agreement with STEC on July 18, 2025, as well as the Substation and Transmission Facilities Agreement with MEC on July 1, 2025. MCP has satisfied all of its obligations under both agreements and followed all applicable protocols, guides, and processes. MCP further submitted a fully compliant attestation package on July 9, 2026 and has entered into a binding end user agreement in connection with the Project.

The basis for ERCOT's determination regarding the Project remains unclear and based on all performed studies and other information and approvals received from ERCOT is unfounded. Based on STEC's records, all required large load studies for the Project have been completed, and the applicable studies have been approved by ERCOT. Further, ERCOT defined the study area by directing STEC on which loads to include in the studies - a key factor in ERCOT's determination of study validity and the basis on which ERCOT approved each study.

Additionally, the Project has experienced several ERCOT-caused, process-related issues throughout the study process all of which were addressed and approved again by ERCOT. Initially, STEC did not receive timely acknowledgment or confirmation from ERCOT when the Steady-State Study was submitted. This lack of acknowledgment and the absence of an established ERCOT portal for submission of large study reports contributed to the delay in processing the Steady-State Study, ultimately causing the steady-state study to become outdated and requiring a re-study. The Stability Study was approved on December 29, 2025, well in advance of the subsequent Steady-State Re-Study, which was approved by ERCOT on March 10, 2026.

See Attachment 1: Steady State Study Approval
See Attachment 2: Stability Study Approval

On April 14, 2026, ERCOT determined that the Project satisfied the requirements of Planning Guide Sections 9.4 and 9.5. However, on April 15, 2026, ERCOT reversed its determination after concluding for the first time that other loads in the vicinity had satisfied the applicable requirements prior to the Project and therefore were required to be included in the study ahead of the Project. As a result, ERCOT communicated on April 22, 2026 that STEC was required to reevaluate the Project Steady-State and Stability Studies to account for those additional loads.

See Attachment 3: Sections 9.4-9.5 Compliance Confirmation,
See Attachment 4: Reversal of Sections 9.4-9.5 Compliance
See Attachment 5: ERCOT-Set Study Parameters

Importantly, the additional load identified by ERCOT was already included in the Medina County Large Load RPG (25RPG046), a cluster study that includes the Project and other large loads in the Medina County area. This study was submitted on December 17, 2025. Despite qualifying for Batch Zero Base via the LLIS Study path, MCP points this out to demonstrate that the additional load was already known early on in the process, modeled, and evaluated by STEC as part of the Medina County Large Load RPG Cluster Study and therefore, the Project, along with the additional load identified by ERCOT is included in ERCOT planning.

However, these additional loads were not identified as part of the original Large Load Interconnection request for the Project and were not identified or required by ERCOT for inclusion during the project's kick-off ("KO") meeting. The KO meeting provided ERCOT an opportunity to identify additional modeling requirements, scope considerations, or other information that should be considered as part of the study. No such requirement regarding these additional loads was identified at that time.

ERCOT also had opportunities to identify and communicate any concerns regarding the load modeling during the subsequent study review process. No such concerns were identified during the applicable study review periods. The subsequent identification of additional load therefore does not establish that the original Project study was deficient, nor does it provide a basis for invalidating the study. If it did, that should have been brought to STEC and MCP's attention at that time – not raised for the first time as a means of rejecting Batch Zero Base for a qualifying attestation submittal for the Project.

Despite ERCOT's late identification of the additional loads to be included in the study, STEC went forward and completed the additional reevaluation requested by ERCOT in early summer 2026. The revised Steady-State study was approved by ERCOT on June 11, 2026, and the revised Stability Study was approved by ERCOT on June 19, 2026. With these approvals, the error and "deficiency" previously noted by ERCOT was fully corrected and the studies approved by ERCOT without qualification. In addition, the Short-Circuit obligation for the Project was fulfilled on May 5, 2026. Accordingly, STEC complied with ERCOT's request to reevaluate the Project considering the additional load, even though the additional load had already been included in the applicable Medina County Large Load RPG Cluster Study and did not have an impact on the previously submitted studies for the Project.

Given this history and the receipt of all required ERCOT approvals, no specific study requirement remains outstanding for the Project, especially given that even the re-studies were approved by ERCOT in June 2026.

STEC received a "Confidential – STEC Large Load Interconnection Status Update" report from ERCOT on June 30, 2026. Upon reviewing the report, STEC identified a number of errors in the information provided by ERCOT and brought these issues to ERCOT's immediate attention on July 1, 2026. On July 9, 2026, ERCOT acknowledged the errors identified by STEC and indicated that the information would be corrected in its next report. It is unclear if the current Conditional Classification as Studied Load - Firm for Batch Zero is a result of these errors.

See Attachment 6: ERCOT Classification Error

In the September 3, 2026 ERCOT notification regarding the Conditional Classification of the Project, ERCOT does not identify any outstanding deficiency in the technical studies themselves, and neither STEC nor MCP are aware of any deficiency. The Steady-State and Stability Studies have been completed, reevaluated at ERCOT's request, and approved by ERCOT. The Short-Circuit obligation has also been fulfilled. Therefore, it appears that the remaining issue is not whether STEC completed the required studies, but whether ERCOT considers the complete, ERCOT-approved studies valid for purposes of the Section 9.2.1.4 determination, despite ERCOT previously approving all studies. Such a subjective determination, not based on any identified rules or processes and having never been raised in the 9 months of engagement and approvals, is not appropriate.

See Attachment 7: ERCOT Conditional Classification

This distinction is important, as it is clear from ERCOT's approvals that STEC completed the required studies. If ERCOT is determining that the Project study does not satisfy Section 9.2.1.4, ERCOT must identify specifically what aspect of the approved study fails the requirements of that provision and why the subsequent ERCOT-approved reevaluation does not resolve the issue. ERCOT should also include an explanation of why it did not identify any deficiencies during the study and approval process and rather approved all of the studies (and re-studies) without qualification. There are no loads in the Project's study area that were omitted from STEC's Medina County Large Load RPG (25RPG046) or the Medina Technology Park Large Load Interconnection study (LLI-2096, BZ-322) and therefore the study is valid.

The Project has also satisfied all financial obligations, including the financial requirements associated with long-lead equipment. Accordingly, the Project has not only completed the requested technical studies but has also continued to satisfy the associated financial obligations.

MCP disputes the classification of the Project in Studied Load - Firm as being without justification and again requests reclassification of the Project in Batch Zero Base as all requirements for such Batch Zero Base classification (including the Project having all required ERCOT approved studies) have been satisfied.

Supporting documentation provided (list and attach)

ATTACHMENT A: ILLE's Submitted Attestation

See also Section 4 Supporting Documentation

4. Responsible TSP/DSP Supporting Information

To be completed by the Responsible TSP/DSP if it has information relevant to the dispute.

☒ Check this box if the Responsible TSP/DSP has supporting information relevant to this dispute.

Supporting information

Written explanation included in Section 3 above was prepared together by TSP/DSP and ILLE

Supporting documentation (list and attach)

ATTACHMENT 1: Steady State Study Approval
ATTACHMENT 2: Stability Study Approval
ATTACHMENT 3: Sections 9.4-9.5 Compliance Confirmation
ATTACHMENT 4: Reversal of Sections 9.4-9.5 Compliance
ATTACHMENT 5: ERCOT-Set Study Parameters
ATTACHMENT 6: ERCOT Classification Error
ATTACHMENT 7: ERCOT Conditional Classification

5. Submission and Routing*

Completed by (ILLE)

Name / Title Melissa Funsten, Energy Project Manager

Email Melissa.Funsten@tract.com **Date** 9/9/2026

Routed to ERCOT by (Insert Responsible TSP/DSP)

**Responsible
TSP/DSP** South Texas Electric Cooperative, Inc.

Date routed 9/9/2026

6. Contact Information for ERCOT Questions/Discussion

Provide contact information for the representatives who will be available to answer ERCOT's questions and to discuss the disputed provisional classification.

ILLE contacts: Melissa Funsten

Email: Melissa.Funsten@tract.com

Phone: 720-492-1906

TDSP contacts: Long Tran

Email: Long.Tran@stec.org

Phone: 361-648-9593

Attachment A: ILLE's Submitted Attestation

Customer specific information submitted to ERCOT by an Interconnecting DSP or Interconnecting TSP in this document is considered Protected Information under paragraph (1)(r) of Protocol Section 1.3.1.1, Items Considered Protected Information.

ERCOT Batch Zero Process for Large Load Interconnection: Section 9.2.1.1(1)(e) Attestation Form

Instructions: This Section 9.2.1.1(1)(e) Attestation Form ("Form") must be completed by the designated Interconnecting Large Load Entity (Designated ILLE) named below and sworn to by the Designated ILLE's representative, official, officer, or other authorized person with binding authority over the Designated ILLE. The Designated ILLE acknowledges this Form, together with all attachments hereto, constitutes a single instrument. The Designated ILLE is providing this Form in accordance with Electric Reliability Council of Texas, Inc.'s Planning Guide Section 9.2.1.1(1)(e) as stated in Planning Guide Revision Request 145, which is subject to approval by the Public Utility Commission of Texas. All fields must be completed unless otherwise noted. This Form must be returned to the Interconnecting Transmission Service Provider ("TSP") or Interconnecting Distribution Service Provider ("DSP") named below on or before July 10, 2026. Questions regarding this Form may be sent to: llwg_feedback@ercot.com.

Designated Large Load Information

Identification information provided in this section must be consistent with information provided in the Load Information Form.

ILLE Name: Medina County Power NR I, LLC
Name of Large Load Facility: Medina Technology Park
Batch Zero Serial Number: BZ- 322
Address of the Large Load Facility: 1400 CR4516, Castroville, Texas 78009

Planning Bus or Description of Bus: New STEC-owned Alsatian 138 kV substation tying into the Castroville-Pearson 138 kV line (between buses 5802 (Bader) -5807 (Dunlay))

Check All Study Types Completed for the Designated Large Load:

- ☒ Large Load Interconnection Study after March 25, 2022, LLI- 2096
- ☐ Regional Planning Project Study, Project No(s). _____
- ☐ Permian Basin Reliability Plan
- ☐ Other _____

Interconnecting TSP or Interconnecting DSP, as applicable: TSP: South Texas Electric Cooperative; DSP: Medina Electric Cooperative

Eligibility Information

1. Required Disclosures under Section 9.7 – Section 9.2.1.1(1)(e)(ii)

A. Substantially Similar Request Disclosure, Section 9.7(1)

The Designated ILLE is:

- ☒ not pursuing a substantially similar interconnection request for electric service in Texas that could materially affect the current request; or
- ☐ pursuing one or more substantially similar interconnection requests for electric service in Texas, the approval of which would result in the Designated ILLE materially changing, delaying, or withdrawing this interconnection request. The Designated ILLE must provide the following information for each substantially similar interconnection request. If the Designated ILLE is pursuing more than one substantially similar interconnection request, then it must append additional pages as necessary in **Attachment 1**. The Designated ILLE attests that any information included in **Attachment 1** is complete and accurate as of the date of notarization.
 - a) ERCOT-assigned serial number: LLI-____ (if available); Batch Zero Serial Number: BZ-____ (if applicable);
 - b) Location (by planning bus or description of planning bus), including the power region and, if in the ERCOT region, the load zone: _____;
 - c) Non-coincident peak Demand (MW value): _____;
 - d) Anticipated timing of Initial Energization (Month and Year): _____; and
 - e) Interconnecting DSP and/or Interconnecting TSP (as applicable): _____.

B. Site Studies and Engineering Plans, Section 9.7(2)

The Designated ILLE has submitted in **Attachment 2** its plans, expected timing, and current progress for site-related studies and engineering services required for Large Load development prior to energization. These include, as applicable, geotechnical studies and water, wastewater, or gas-related work. The Designated ILLE will provide updates upon request, which shall occur no more frequently than quarterly.

The Designated ILLE attests that the information contained in **Attachment 2** is complete and accurate as of the date of notarization.

C. Non-ministerial Discretionary Approvals, Section 9.7(3)

The Designated ILLE has submitted in **Attachment 3** its plans, expected timing, and current progress for obtaining non-ministerial discretionary approvals from state and local regulatory authorities required for the development of the Designated Large Load prior to energization. These include, as applicable, permits related to water, air, or backup generation facilities. The

Customer specific information submitted to ERCOT by an Interconnecting DSP or Interconnecting TSP in this document is considered Protected Information under paragraph (1)(r) of Protocol Section 1.3.1.1, Items Considered Protected Information.

Designated ILLE will provide updates upon request, which shall occur no more frequently than quarterly.

The Designated ILLE attests that the information contained in **Attachment 3** is complete and accurate as of the date of notarization.

D. Phased Energization Schedule, Section 9.7(4)

The Designated ILLE has provided its expected schedule, including the quarter and year, for phased energization of the contracted peak Demand expressed in MW, power factor, and megavolt-ampere reactive units as set forth in **Attachment 4**, the Phased Energization/Load Commissioning Plan form, attached hereto and made a part hereof. The schedule must be consistent with the Designated ILLE's current Load Commissioning Plan (LCP) resulting from approved interconnection studies, if applicable.

The Designated ILLE attests that any information included in **Attachment 4** is complete and accurate as of the date of notarization.

E. Backup Generation, Section 9.7(5)

The Designated ILLE does:

- ☐ not plan to have on-site backup generating facilities; or
- ☒ plan to have on-site backup generating facilities and provides the following in connection with such disclosure, to the extent known:

a) the number of backup generating units:

Approximately 168 backup generators are required to service the full 500MW in an "N" configuration. Current plans call for additional workload-specific redundancy, bringing the total number of generators to approximately 222 units.

b) the nameplate capacity of each of the backup generating facilities:

Backup gensets rated at 3.0 MW nameplate per unit (listed as 3000 kW / 3750 KVA, 0.9 PF, Mission Critical Standby).

c) the fuel source and operational characteristics of each of the backup generating facilities, including any run hour limitations and any fuel storage limitations under the existing environmental permits:

The engines use diesel fuel and run hour limitations will be 100 hrs/yr maximum for demand response, Energy; and Emergency Action (EEA) Levels 1 & 2. Power Out and EEA level 3 conditions allow for unlimited runtime.

d) how quickly each of the backup generating facilities can reach their full capacity to serve the load:

The backup generators reach full load in less than one minute.

F. Power Procurement Plan, Section 9.7(6)

The Designated ILLE plans to procure power by means of (check all that apply):

- ☒ Power Purchase Agreement;
- ☐ On-site generation;
- ☒ Non-specific grid power (i.e., the Designated ILLE intends to rely on the open market); or

Customer specific information submitted to ERCOT by an Interconnecting DSP or Interconnecting TSP in this document is considered Protected Information under paragraph (1)(r) of Protocol Section 1.3.1.1, Items Considered Protected Information.

On site generation is not required to achieve project objectives, but

- ☒ Other, please specify the option is under advanced technical assessment.

2. Long Lead Equipment – Section 9.2.1.1(1)(e)(iii)

The Designated ILLE has ordered all equipment with a lead time of at least 18 months and will take delivery sufficiently in advance of the Designated ILLE's requested Initial Energization date so the equipment can be installed by the Designated ILLE's requested Initial Energization date.

3. Notice to Proceed – Section 9.2.1.1(1)(e)(iv)

The Designated ILLE has issued a notice to proceed with the construction of all required interconnection Facilities.

4. End-Use Customer – Section 9.2.1.1(1)(e)(v)

The Designated ILLE is:

- ☐ the end-use customer; or
- ☒ a project developer and has signed a binding contract with an end-use customer. The contract must require the end-use customer to take service at the location where the Designated ILLE is requesting interconnection, with a term of at least five years from the date the Designated Large Load is expected to reach the total non-coincident peak Demand as stated in the LCP.

5. Site Control Evidence – Section 9.2.1.1(1)(e)(viii)

The Designated ILLE holds one of the property interests below in or relating to one or more parcel(s) of land sufficient to accommodate the Designated ILLE's planned Load Facilities at the Designated Large Load location. The supporting documentary evidence is included in **Attachment 5**.

The Designated ILLE attests that the information contained in **Attachment 5** is complete and accurate as of the date of notarization.

The property interest is one of the following:

- ☐ a signed and executed lease agreement for a duration of at least five years from the date the Designated ILLE is expected to reach the total non-coincident peak Demand as stated in its LCP;
- ☒ a deed conveying such parcel(s) to the Designated ILLE; or
- ☐ a signed and executed purchase and sale agreement for such parcel(s).

6. Designated ILLE Acknowledgment – Section 9.2.2(1)(c)

The Designated ILLE acknowledges its obligations to notify and update the Interconnecting DSP and Interconnecting TSP of changes to the Large Load project information or to the load

Customer specific information submitted to ERCOT by an Interconnecting DSP or Interconnecting TSP in this document is considered Protected Information under paragraph (1)(r) of Protocol Section 1.3.1.1, Items Considered Protected Information.

composition, technology, parameters, or development schedule, as described in Section 9.2.3 of the ERCOT Planning Guide, during the interconnection process.

Notarization

By executing this Form, the undersigned represents that he or she is a representative, official, officer, or other authorized person with binding authority over Medina County Power NR 1, LLC (Designated ILLE), is authorized to execute this attestation on behalf of the Designated ILLE, and that the statements contained herein are true, correct, and complete to the best of the undersigned's knowledge and belief as of the date of execution.

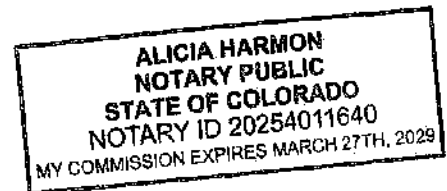
By: [Signature]
Name: Graham Williams
Title: President, Tract
Contact Information: legal@tract.com

STATE OF CO §
COUNTY OF Denver §

Sworn to and subscribed before me on the 2 day of July, 2026, by Graham Williams, in the capacity stated above, on behalf of said entity.

Alicia Harmon
Notary Public, State of Colorado

My Commission Expires: March 27, 2029



ATTACHMENT 1

[The Designated ILLE to use if it has more than one substantially similar interconnection request. Repeat (a)-(e) below as necessary to disclose multiple substantially similar interconnection requests.]

- a) ERCOT-assigned serial number: LLI-____ (if available); Batch Zero Serial Number: BZ-____ (if applicable);
- b) Location (by planning bus or description of planning bus), including the power region and, if in the ERCOT region, the load zone:
_____;
- c) Non-coincident peak Demand (MW value): _____;
- d) Anticipated timing of Initial Energization (Month and Year): _____; and
- e) Interconnecting DSP and/or Interconnecting TSP (as applicable):
_____.

ATTACHMENT 2

[The Designated ILLE must provide its plans, expected timing, and current progress for site-related studies and engineering services required before energization of the Designated Large Load (e.g., geotechnical surveys, water infrastructure studies, wastewater assessments, or gas-related work), either directly in this attachment or as a separate attachment to this Form.]

Geotechnical surveys

A Geotechnical Study was performed on the site in August of 2024 to confirm the soils were suitable to support the project. Additional geotechnical studies will occur prior to mass grading and construction on the site.

Water infrastructure studies

A feasibility study was performed by East Medina County Special Utility District in September 2024 to confirm the site could be serviced by their water supply, and what infrastructure would be required to service the demands. The engineering design plans for the water infrastructure upgrades are ongoing and expected to be completed by September 2026.

Wastewater assessments

The site will be serviced by two On-Site Sewage Facilities (OSSFs). There have been preliminary studies performed for the type of OSSF and locations and discussions with the County on permitting these facilities is ongoing. The design and permitting of these facilities are expected to be complete by November 2026.

Gas-related work

Natural gas service is not currently considered in scope for this project.

However, there are two natural gas interconnections that are being evaluated for potential use. The first pipeline interconnection option is an 18.7 mile 12" lateral to interconnect with an existing 24" line east of the site. The pipeline can be placed in-service 12-15 months from executed agreements. This pipeline lateral is contingent upon the pipeline's ability to expand to provide a firm transportation service. The second pipeline interconnection option is a 71.4-mile pipeline lateral to interconnect with an alternative existing pipeline. The pipeline can be placed in-service 9-15 months from executed agreements. Adequate supply options exist on this interconnect option.

Other

Several additional studies have been completed to confirm that the site is suitable for data center development. The studies include but are not limited to the following:

- Phase 1 Environmental Site Assessments
- Threatened and Endangered Species Reports
- Jurisdictional Water Assessments
- Approved Jurisdictional Determinations from the Army Corps of Engineers
- Cultural Resources Assessments
- Air Corrosion Coupon Testing
- Topographic and ALTA Survey of entire property
- Floodplain Modelling and Reports
- Mineral Title Report

Customer specific information submitted to ERCOT by an Interconnecting DSP or Interconnecting TSP in this document is considered Protected Information under paragraph (1)(r) of Protocol Section 1.3.1.1, Items Considered Protected Information.

ATTACHMENT 3

[The Designated ILLE must provide plans, expected timing, and current progress for obtaining non-ministerial discretionary approvals from state and local regulatory authorities required for development before energization (e.g., permits for water, air, or backup generation), either directly in this attachment or as a separate attachment to this Form.]

Water Permits

The site will be provided water by East Medina County Special Utility District via a non-standard service agreement; this agreement is currently being negotiated and expected to be complete by August 2026. The water infrastructure plans are required to be reviewed and approved by East Medina County Special Utility District and is expected to be completed by September 2026.

Air Permits

Air permits will be acquired for site for combustion-related engines. The site is in attainment for NAAQS. Data centers will have backup power using diesel Tier 2 or Tier 4 engines and will be limited in use by New Source Performance Standards and MACT regulations to at most 100 hours/year for non-emergency uses. These uses would include maintenance and readiness testing, demand response for load balancing, EEA- Level 1 or 2 as required by the grid load manager, and air permitting restrictions. Air permits for these units will be acquired using the TCEQ air permit-by-rules (PBR). The site will stay below the federal major source (PSD) triggers but may be required to obtain a Title V air permit.

Backup Generation Permits

See above.

Other

The property is located in unincorporated Medina County and therefore there is no discretionary zoning approval needed. Site location maps and county assessor records can be provided to verify this. The project has been coordinated with the county commissioners for over two years.

TxDOT issued approval of the traffic impact analysis on May 5th, 2026, allowing the site to take direct access from US90 with associated traffic mitigation. The construction plans for the traffic mitigations are currently under review by TxDOT, and the ILLE expects approval and construction to start in October 2026.

A general contractor for access improvements, substation grading and other horizontal scope on the critical path toward vertical development has been identified and selected. Material terms are agreed and final contacts are expected to be signed in the coming days following submission of this Form and prior to July 10, 2026.

Customer specific information submitted to ERCOT by an Interconnecting DSP or Interconnecting TSP in this document is considered Protected Information under paragraph (1)(r) of Protocol Section 1.3.1.1, Items Considered Protected Information.

ATTACHMENT 4

Designated ILLE's Phased Energization Schedule

[illegible]

Note: The Phased Energization Schedule must be consistent with the current Load Commissioning Plan.

Customer specific information submitted to ERCOT by an Interconnecting DSP or Interconnecting TSP in this document is considered Protected Information under paragraph (1)(r) of Protocol Section 1.3.1.1, Items Considered Protected Information.

Attachment 5

[The Designated ILLE must provide documentary evidence that it holds the property interest designated in Item 5 above. The evidence must demonstrate that the interest relates to one or more parcels of land sufficient to accommodate the Designated ILLE's planned Load Facilities at the Designated Large Load location. Such evidence may be provided directly in this attachment or as a separate attachment to this Form.]

The deeds for the properties are included as an attachment to this form.

Attachment 1: Steady State Study Approval

largeval@nrc.com
To: Bill Long
Cc: largeval@nrc.com

Reply Reply All Forward Print Attachments
Tue 06/14/2022 12:00 PM

Flagged

You replied on Tue 06/14/2022 12:00 PM

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Hi Long,

I have concluded LLJ-2006 Rodgers Data Center's steady state report review and this load is now steady state approved for SCDMPC, contingent upon the upgrades listed in Table 12. Please attach and send a completed UCP using the Load Information Form, Please **00000043** up to date energization schedule and include all projects outlined in the conclusion (Table 12) for our records.

Best,

 Hassan, David <David.Hassan@stec.com>
To: Gyoung Kim <lgyoung@stec.com>, Gyoung Kim <lgyoung@stec.com>
Cc: David Seab <David.Seab@stec.com>, Saliman, Julie <Julie.Saliman@stec.com>

Attachment 2: Stability Study Approval

 Flagged

 You replied on Wed 2025-08-20 1:47 PM

 Translated from English

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Good afternoon,

0000044

The stability report looks okay. The load is approved for full capacity.

Thanks,
David



Attachment 3: Sections 9.4-9.5 Compliance Confirmation

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Hi,

The following Largest Load Interconnection request has met the requirements of Sections 9.4 and 9.5 of the EROD Planning Guide as of 3/18/2025.

LIS Number	PLD	Load Study Request	Approving Stec Number	Approving Stec Name
LIS 2016	STEC	SOC 0	1401	BAKERBLD

0000045

Per paragraph (B) of Section 9.4, this constitutes a "material change that impacts one or more LIS study dis-impacts" for the Largest Load Interconnection requests identified below. For each load listed below, EROD requests that the LIS studies be updated to include the load indicated in this email, unless that load was already included in the currently approved studies. If the interconnecting PLD believes that a load is already included in error or does not believe a restudy is needed, please email our Director at director@stec.com and provide explanation and justification.

From: Transmission Owner Load Interconnection <TO_LOAD_INTERCONNECTION@LISTS.ERCOT.COM> on behalf of LargeLoadInterconnection <00000046@LISTS.ERCOT.COM>

Sent: Wednesday, April 15, 2026 2:58 PM

To: TO_LOAD_INTERCONNECTION@LISTS.ERCOT.COM <TO_LOAD_INTERCONNECTION@LISTS.ERCOT.COM>

Subject: Correction: LU-2096 Section 9.4/9.5 Requirements Met Sent in Error

Attachment 4: Reversal of Sections 9.4-9.5 Compliance

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Good afternoon,

The below email was sent out prematurely due to a technical issue on ERCOT's side. The load LU-2096 has ~~not~~ met Sections 9.4 and 9.5 at this time. ERCOT will provide additional information to the interconnecting TSP shortly.

Thank you,

0000046

ERCOT Large Load Integration Department

Attachment 6: ERCOT Classification Error

Hi Rosendo and Trey,

Following up on the email below. Could you please provide clarification and comments for each of the associated loads in the table below?

Thanks,
Long

From: Long Tran <longtran@ercot.com>
Sent: Wednesday, July 1, 2020 4:50 PM
To: longrosendo@interconnection <longrosendo@interconnection@ercot.com>
Subject: Re: Confidential - STEC Large Load Interconnection Status Update

I have a few questions regarding the latest confidential project list provided to STEC, particularly concerning the eligibility of the projects. Could you please provide clarification and comments for each of the associated loads in the table below?

Thanks,
Long

TSP #	Best Possible Path - Preliminary	LLS Load # Name	STEC Comments	ERCOT Comment
STEC	(26) S.2.1.4(A) (TSP nothing of potentially invalid studies; restudy may be needed for base load, otherwise studied (22 load)	Rodgers Data Center	All studies included re-studies, have been completed and approved. Why is this list labeled as invalid studies? This project is not a part of a cluster study with Edwards.	Previously missed the feasibility approval. Have corrected our tracking. You should see 2a in next report.

0000048

Attachment 7: ERCOT Conditional Classification

This is the original document
ERCOT assigned number
and submitted to the
approved transmission
study is required.

This is the document used
Long term transmission
market in 2010 and is not
current and is not used
more.

0000049

LLP

Final PPA	Excluded from use	Deficient	Subject to GCE	Subject to GCE	Subject to 8.2.12)	
Final PPA	Continuously included	Dynamic Model	for Base Load	for Base Load	Diagnosis and	
Final PPA	in Base Load	Date	Typical Criteria	Type Change	Reclassification	Reopen for Studied Load Reclassification

Faconti, Maria C.

From: Dwight Jander <djander@stec.org>
Sent: Thursday, September 3, 2026 5:28 PM
To: Phillip Sandino; Melissa Funsten
Cc: Brandi Aranda; Katie Kothmann Haby CCC; treyg@medinaec.org; Clif Lange
Subject: ERCOT Batch Zero Conditional Classification
Attachments: TRACT - MEC.xlsx; ERCOT PG Section 9.3.1 Dispute Form.docx

Phillip,

Today, STEC received notification of their Batch Zero Condition Classification. Your load was classified as Conditionally Included as Studied Load-Firm. Please see the attached spreadsheet for additional information.

If you would like to file a dispute and request reconciliation or if you disagree with ERCOT's determination that the Large Load is excluded from Batch Zero, ERCOT has provided instructions as follows.

*Large Loads identified in Column K were submitted as base load under Planning Guide Section 9.2.1.1(1) but have been conditionally classified by ERCOT as studied load under Section 9.2.1.2(1). These Large Loads are eligible for the dispute and reconciliation process in Planning Guide Section 9.3.1(2)(a). **The Interconnecting DSP/TSP must notify the ILLE of its reclassification within two Business Days of receiving this notice.** An ILLE may dispute its conditional classification as studied load by completing the attached ERCOT Batch Zero Process: Section 9.3.1 Conditional Classification Dispute Form and returning it to the Interconnecting DSP/TSP. The Interconnecting DSP/TSP must then return the form to ERCOT no later than 5 PM on the third Business Day after notifying the ILLE of the reclassification. The applicable deadlines are specified in Section 9.3.1(2)(a)(i)-(iii) of the Planning Guide.*

If an ILLE disagrees with ERCOT's determination that the Large Load is excluded from Batch Zero, the ILLE may seek relief through ERCOT's Alternative Dispute Resolution (ADR) process under ERCOT Protocol Section 20.4. The ADR request form is available at: https://www.ercot.com/files/docs/2016/07/28/ADR_Request_Form.docx.

Phillip, I spoke with Long and he agrees that we should continue to advocate for your project. STEC will provide a statement that you can feel free to use in any correspondence with ERCOT disputing their decision. We hope to have such statement ready to be delivered by email by end of day tomorrow.

Dwight Jander
South Texas Electric Cooperative, Inc.
Direct: (361) 485-6156
Cell: (361) 649-3060
E-mail: djander@stec.org



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copy, use, disclosure, or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

Hi Rolando and Trey,

Following up on the email below. Could you please provide clarification and comments for each of the associated loads in the table below?

Thanks,
Lang

From: Long Tran <tr@stec.org>
Sent: Wednesday, July 1, 2020 4:50 PM
To: largeloadinterconnection <largeloadinterconnection@ercot.com>
Subject: Re: Confidential - STEC Large Load Interconnection Status Update

I have a few questions regarding the latest confidential project list provided to STEC, particularly concerning the eligibility of the projects. Could you please provide clarification and comments for each of the associated loads in the table below?

Thanks,
Lang

TSP #	Best Possible Path - Preliminary	UIS Load Name	STEC Comments	ERCOT Comment
STEC	(2b) 9.2.1.4(4) (TS) notified of potentially invalid studies: restudy may be needed for base load, otherwise	Rodgers Data Center	All studies included restudies, have been completed and approved. Why is this still labeled as invalid studies? This project is currently at RPQ as part of a cluster study with Edwards.	Previously missed the Stability approval. Have corrected our tracking. You should see 28 in next report.
BZ 522	studied load	LLS 2095		

HT · Hassan, Tarq<Tarq.Hassan@stec.com>
To: O'Long Tracy, LargeLoadInterconnection <LargeLoadInterconnection@stec.com>
Cc: Zimbe, Sara <Sara.Zimbe@stec.com>; Sideman, Julie <Julie.Sideman@stec.com>

Flagged

You replied on Wed 2023-03-20 1:47 PM

Translated from English

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Good afternoon,

The stability report looks okay. The load is approved for full capacity.

Thanks,
Tarq

LargeLoadInterconnection <LargeLoadInterconnection@erdc.com>
To: OJana Tran
Cc: LargeLoadInterconnection <LargeLoadInterconnection@erdc.com>

      Tue 2025-05-19 9:36 AM

Flagged

You replied on Tue 2025-05-19 12:01 PM

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Hi Long,

I have concluded LLI-2036 Rodgers Data Center's steady state report review and this load is now steady state approved for 500MW, contingent upon the upgrades listed in Table 12. Please attach and send a completed LCP using the Load Information Form. Please include the most up to date energization schedule and include all projects outlined in the conclusion (Table 12) for our records.

Best,

L Transmission Owner Load Interconnection<TO_LOAD_INTERCONNECTION@USTS.ERCOT.COM> on behalf of LargeLoadInterconnection <000000961683245-dm-tr-request@USTS.ERCOT.COM>
To: TO_LOAD_INTERCONNECTION@USTS.ERCOT.COM

... < > @ & % ' " ...
Tue 2026-04-14 5:45 PM

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All,

The following Large Load interconnection request has met the requirements of Sections 9.4 and 9.5 of the ERCOT Planning Guide as of 3/30/2026.

UI number	TSP	Load MW Approved	Approximate Bus Number	Approximate Bus Name
UI-2096	STEC	300.0	5802	BADERSUB8

Per paragraph (b) of Section 9.4, this constitutes a "material change that impacts one or more LUIS study assumptions" for the Large Load interconnection requests identified below. For each load listed below, ERCOT requires that the LUIS studies be updated to include the load indicated in this email, unless that load was already included in the currently approved studies. If the interconnecting TSP believes that a load on this list is included in error or does not believe a resudy is needed, please reach out to LargeLoadInterconnection@ercot.com and provide explanation and justification.

From: Transmission Owner Load Interconnection <TO_LOAD_INTERCONNECTION@LISTS.ERCOT.COM> on behalf of Large Load Interconnection <000000961d8834fa-dmarc-request@LISTS.ERCOT.COM>
Sent: Wednesday, April 13, 2028 2:58 PM
To: TO_LOAD_INTERCONNECTION@LISTS.ERCOT.COM <TO_LOAD_INTERCONNECTION@LISTS.ERCOT.COM>
Subject: Correction: LLI-2096 Section 9.4/9.5 Requirements Met Sent in Error

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Good afternoon,

The below email was sent out prematurely due to a technical issue on ERCOT's side. The load LLI-2096 has not met Sections 9.4 and 9.5 at this time. ERCOT will provide additional information to the interconnecting TSP shortly.

Thank you,

ERCOT Large Load Integration Department

[illegible]

131 Institute of EMS Number	132	133 EMS Personnel	Applicable EMS Number	Applicable EMS Name
██████████	amb	██████████	Sach	██████████
██████████	STC	██████████	505	██████████

1.3 Release of EPC Inspector	TS*	Used VEH Registration	Appropriate Bus Number	Appropriate Bus Number
[REDACTED]	OS	[REDACTED]	4th	6012024
[REDACTED]	010	[REDACTED]	000	6012002

Faconti, Maria C.

From: Gallo, Andrew <Andrew.Gallo@ercot.com>
Sent: Monday, September 14, 2026 9:07 PM
To: Melissa Funsten; Long Tran; Faconti, Maria C.; Allison Girvin; brandia; Briana Balusek; Dwight Jander
Subject: Dispute Process - BZ-322

This Message Is From an External Sender

This message came from outside your organization.

Good evening.

This email confirms that, in accordance with Planning Guide Sec. 9.3.1, ERCOT has reviewed the Batch Zero dispute form and the additional information discussed at the meeting this afternoon and denies the dispute. Thus, BZ-322's classification as studied load stands. As mentioned during the call, ERCOT waives the ADR process required in the ERCOT Protocols.

Regards,

Andrew Gallo

Assistant General Counsel - Regulatory
Phone: 512-225-7010 (o); 512-689-7270 (c)
Email: andrew.gallo@ercot.com



Faconti, Maria C.

From: Dwight Jander <djander@stec.org>
Sent: Friday, September 18, 2026 12:20 PM
To: Allison Girvin; Brandi Aranda; Long Tran; Faconti, Maria C.; Molly Watters; Phillip Sandino; Orijit Ghoshal; Melissa Funsten; Graham Williams
Cc: Briana Balusek
Subject: RE: Prep for ERCOT dispute call

This Message Is From an Untrusted Sender

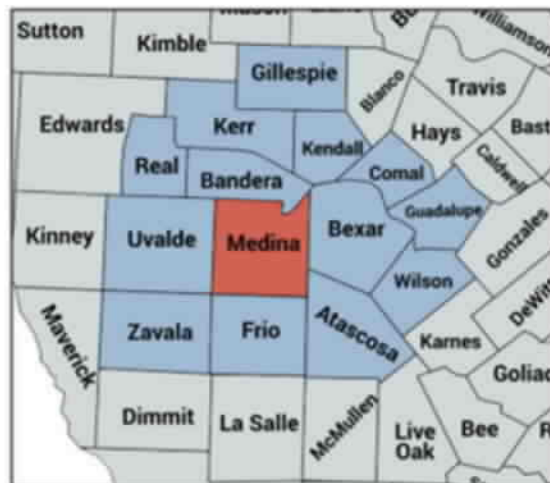
You have not previously corresponded with this sender.

Phillip,

As we mentioned in the dispute form, ERCOT had every opportunity during the KO meeting and the review process to communicate with us regarding the study area, but they did not do so. At no point did we receive any communication from ERCOT regarding a modification to the study area until the very end of the process.

Below is the study area that was provided to ERCOT as part of the KO meeting. This was never communicated to us as being modified. This study area was also included in the scope that was provided to ERCOT for review and approval.

- The study area is defined as all transmission system within the following counties in blue and red.



This being the case, STEC has prepared the statement and verbiage below to provide to you for utilization as you deem necessary.

Thank you for your time to discuss the reclassification of BZ-322 to studied load with STEC. We wanted to follow-up on that discussion to further reiterate STEC's position that the location of the load that ERCOT has identified as conflicting load is well outside the approved study area and therefore should not be considered in BZ-322's 9.2.1.4

review. ERCOT Planning Guide Section 9.2.1.4 (2) clearly states that *"During its review, ERCOT, in consultation with the Interconnecting DSP and/or Interconnecting TSP, will determine the completeness and validity of previous studies"*. It is STEC's position that ERCOT did not consult and/or inform with the Interconnecting TSP (STEC in this case), when expanding the previously agreed upon definition of the Study Area (during the scoping meeting). The load identified as conflicting load is 18 stations away from the POI associated with BZ-322 and is 6-7 counties away from the county associated with BZ-322.

Additionally, while STEC is aware of the fact that ERCOT Planning Guide Sections 9.2.1.4 (4) (d) and 9.2.1.4 (4) (e) provide ERCOT sole discretion in determining if higher placed base loads are located within or outside the Study Area during their review process, there is no provision in EPG Section 9.2.1.4 that allows ERCOT to unilaterally modify or expand the study area without prior consultation or intimation to the Interconnection TSP. For the reasons outlined above, STEC respectfully requests that ERCOT reconsider its reclassification of BZ-322 to studied load due to a potentially conflicting load located outside of the agreed upon study area for the BZ-322 load.

Dwight Jander
South Texas Electric Cooperative, Inc.
Direct: (361) 485-6156
Cell: (361) 649-3060
E-mail: djander@stec.org



-----Original Appointment-----

From: Melissa Funsten <melissa.funsten@tract.com> **On Behalf Of** Allison Girvin

Sent: Monday, September 14, 2026 9:01 AM

To: Brandi Aranda; Dwight Jander; Long Tran; Faconti, Maria C.; Molly Watters; Phillip Sandino; Orijit Ghoshal; Melissa Funsten; Graham Williams

Subject: FW: Prep for ERCOT dispute call

When: Monday, September 14, 2026 10:30 AM-11:00 AM (UTC-05:00) Eastern Time (US & Canada).

Where: Microsoft Teams Meeting

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From: Allison Girvin <Allison.Girvin@tractcapital.com>

Sent: Friday, September 11, 2026 12:05:46 PM (UTC-07:00) Mountain Time (US & Canada)

To: Allison Girvin <Allison.Girvin@tractcapital.com>; Faconti, Maria C. <maria.faconti@klgates.com>; Molly Watters

<molly.watters@tractcapital.com>; Phillip Sandino <Phillip.Sandino@tract.com>; Orijit Ghoshal <orijit.ghoshal@tract.com>; Melissa Funsten <melissa.funsten@tract.com>; Graham Williams <Graham.Williams@tractcapital.com>

Subject: Prep for ERCOT dispute call

When: Monday, September 14, 2026 8:30 AM-9:00 AM.

Where: Microsoft Teams Meeting

Microsoft Teams meeting

Join:

<https://teams.microsoft.com/meet/249934141750628?p=kMNgoONSUzTu39dfo>

W

Meeting ID: 249 934 141 750 628

Passcode: k4es3oj6

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Faconti, Maria C.

From: Gallo, Andrew <Andrew.Gallo@ercot.com>
Sent: Monday, September 14, 2026 9:05 PM
To: Melissa Funsten; Long Tran; Faconti, Maria C.; Allison Girvin; brandia; Briana Balusek; Dwight Jander
Subject: Dispute Process - BZ-322

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Good evening.

ERCOT has reviewed the Batch Zero dispute form and considered the additional information submitted and discussed during the dispute meeting this afternoon. In today's meeting, one of the arguments the ILLE/TSP made was that the Large Loads ERCOT identified in its 7/30/26 RFI to STEC should not have been included in the study area because they are far from BZ-322. As a follow-up, we would point out the following:

- Pursuant to the Planning Guide, ERCOT performed the Batch Zero "ladder" process and created a hierarchical master list of Large Loads that met the maturity criteria
- As part of that process, ERCOT looked at the Large Loads ranked ahead of LLI-2096 (BZ-322) and found three Large Loads STEC did not include in the prior study for BZ-322
- On 7/30/26, ERCOT sent an RFI to STEC regarding those three Large Loads and included a spreadsheet (*Missing Nearby Loads - LLI-2096 (Rodgers) STEC.xlsx*)
 - For two of the Large Loads in the spreadsheet, STEC replied that they are "in a different county" (*i.e.*, implicitly indicating STEC believed they should not have been in the study area for BZ-322)
 - However, STEC did not make that argument for the *third* Large Load ERCOT listed in the spreadsheet (in Row 11) and, instead, merely acknowledged it had not included that Large Load in the prior study for BZ-322
- It is STEC's failure to include *that* Large Load in the prior study that ERCOT relied on to reclassify BZ-322 as studied load.

Regards,

Andrew Gallo

Assistant General Counsel - Regulatory
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Faconti, Maria C.

From: Clif Lange <clif@stec.org>
Sent: Tuesday, September 29, 2026 3:28 PM
To: Faconti, Maria C.; molly.watters@tractcapital.com
Cc: Liebmann, Diana M.; Cory Allen; Dwight Jander; Briana Balusek; Long Tran; Morgan Hudnall; Carrasco, Carlos
Subject: FW: Confidential - STEC Batch Zero Conditional Classification

This Message Is From an Untrusted Sender

You have not previously corresponded with this sender.

Maria and Molly,

Below is the email documenting the three loads that ERCOT deems were “missing” from BZ-322’s study. Please note that for confidentiality purposes the table below is redacted to include only MCP’s load.

Thanks,

Clif Lange

General Manager
South Texas Electric Coop., Inc.
2849 FM 447, PO Box 119
Nursery, TX 77976
office (361) 485-6206
mobile (361) 894-3465



From: LargeLoadInterconnection <LargeLoadInterconnection@ercot.com>
Sent: Friday, September 4, 2026 5:34 PM
To: Long Tran <long.tran@stec.org>
Subject: RE: Confidential - STEC Batch Zero Conditional Classification

CAUTION: THIS MESSAGE ORIGINATED FROM OUTSIDE OF STEC.

Do not open attachments or click links from an unknown or suspicious origin.

Yesterday, September 3, 2026, ERCOT notified each Interconnecting Distribution Service Provider (DSP) and Transmission Service Provider (TSP) (Interconnecting DSP/TSP) of ERCOT’s conditional classification of the Large Loads submitted by the Interconnecting DSP/TSP for inclusion in Batch Zero. The

conditional classification Excel workbook attached to that email includes Column K, identifying Large Loads subject to the dispute and reconciliation process in ERCOT Planning Guide Section 9.3.1(2), and Column L, identifying the reason each Large Load was reclassified. The most common reason is the Large Load's studies failed the validity check under Planning Guide Section 9.2.1.4 – Study Validity. To help Interconnecting DSPs/TSPs and Interconnecting Large Load Entities understand why a Large Load did not pass validity under Section 9.2.1.4, ERCOT provides a list of the other Large Loads with complete and valid studies that ranked ahead of the reclassified Large Load.

TSP	BZ #	BZ Name	LLI #	Missing
STEC	BZ-322	Medina Technology Park	LLI-2096	Steady St Stability: I

Confidential – Information in this document is considered Protected Information under Section 1.3.1.1(1)(r) of the ERCOT Protocols.



Large Load Integration
2705 West Lake Drive, Taylor, TX 76574

Confidentiality Notice: The information contained in this email message and attached document is confidential and is intended for the addressee only. If you received this email in error, please notify the sender immediately.

From: LargeLoadInterconnection
Sent: Thursday, September 3, 2026 1:57 PM

To: Long Tran <long.tran@stec.org>

Subject: Confidential - STEC Batch Zero Conditional Classification

Dear STEC Team,

This email and the attached Excel workbook notify each Interconnecting Distribution Service Provider (DSP) and Transmission Service Provider (TSP) (Interconnecting DSP/TSP) of ERCOT's conditional classification of the Large Loads submitted by the Interconnecting DSP/TSP for inclusion in Batch Zero. The workbook indicates whether each Large Load has been conditionally included in Batch Zero subject to one or more conditions, such as the Interconnecting Large Load Entity (ILLE) passing verification, the ILLE curing deficiencies in dynamic model data, or the Public Utility Commission of Texas (PUCT) granting ERCOT a good cause exception to allow the Large Load to qualify despite not meeting an applicable eligibility requirement at the time of submission. Failure to satisfy any applicable condition may disqualify the Large Load from Batch Zero.

In the attached spreadsheet ERCOT classified each Large Load and which conditions or processes apply. The columns are described below. Where a column indicates that a dispute process or additional action applies, the applicable process and deadlines are explained in the paragraphs that follow.

- Column F indicates whether ERCOT has determined a Large Load is excluded from Batch Zero or conditionally included.
- The following columns apply to Large Loads that are conditionally included:
 - Column G identifies the conditional eligibility path.
 - Column H shows whether the Large Load's eligibility for Batch Zero is subject to the ILLE curing its dynamic model data.
 - Column I shows whether the Large Load's eligibility for Batch Zero is subject to ERCOT advancing the ILLE's good cause exception request and PUCT granting the good cause exception.
 - Column J shows whether the Large Load is conditionally eligible subject to changing its eligibility path from Section 9.2.1.1(1)(b) to another base load category or to studied load (requires a good cause exception from the PUCT). The required materials and deadline are described below.
 - Column K shows whether the Large Load's eligibility for Batch Zero is subject to the Section 9.3.1(2) dispute and reconciliation process (submitted as base load under Planning Guide Section 9.2.1.1(1) and conditionally classified by ERCOT as studied load under Section 9.2.1.2(1)). The applicable process and deadlines are described below.
- The following columns apply to Large Loads that are excluded from Batch Zero:
 - Column M shows whether the Large Load was excluded because it did not have a qualifying study.
 - Column N shows whether the Large Load was excluded because ERCOT did not receive a Batch Zero Load Information Form.
 - Column O shows whether the Large Load was excluded because it did not submit the required dynamic model data.

If an ILLE disagrees with ERCOT's determination that the Large Load is excluded from Batch Zero, the ILLE may seek relief through ERCOT's Alternative Dispute Resolution (ADR) process under ERCOT Protocol Section 20.4. The ADR request form is available at: https://www.ercot.com/files/docs/2016/07/28/ADR_Request_Form.docx.

Large Loads identified in Column K were submitted as base load under Planning Guide Section 9.2.1.1(1) but have been conditionally classified by ERCOT as studied load under Section 9.2.1.2(1). These Large Loads are eligible for the dispute and reconciliation process in Planning Guide Section 9.3.1(2)(a). **The Interconnecting DSP/TSP must notify the ILLE of its reclassification within two Business Days of receiving this notice.** An ILLE may dispute its conditional classification as studied load by completing the attached ERCOT Batch Zero Process: Section 9.3.1 Conditional Classification Dispute Form and returning it to the Interconnecting DSP/TSP. The Interconnecting DSP/TSP must then return the form to ERCOT no later than 5 PM on the third Business Day after notifying the ILLE of the reclassification. The applicable deadlines are specified in Section 9.3.1(2)(a)(i)-(iii) of the Planning Guide.

ERCOT will not seek a good cause exception for every Large Load that requested it. The good cause exceptions ERCOT will not pursue are noted in Column P.

In some instances, ERCOT has conditionally determined that a Large Load submitted as energized under Planning Guide Section 9.2.1.1(1)(b) does not qualify under that subparagraph but may qualify under a different subparagraph. ERCOT will seek a separate good cause exception from the PUCT to allow these Large Loads to submit new eligibility materials under a different subparagraph of Section 9.2.1.1(1). ERCOT will allow fourteen Business Days from the issuance of this email and attached Excel workbook for the ILLE to submit eligibility materials for the Large Load to the Interconnecting DSP/TSP and for the Interconnecting DSP/TSP to submit those materials to ERCOT. If the ILLE fails to submit these materials, its Large Load will not be permitted to interconnect to the ERCOT transmission system until it is studied in a future interconnection process.

Large Loads included in Batch Zero are subject to the configuration requirements of Planning Guide Section 9.2.5(3). ERCOT will provide additional information regarding the application of these requirements at a future point in the Batch Zero Process.

ERCOT appreciates the efforts of the Interconnecting DSPs and TSPs to resolve eligibility and other issues over the last several months. ERCOT looks forward to continuing collaborative engagement with each Interconnecting DSP and TSP throughout the Batch Zero eligibility verification process.

Please email questions to the Batch Zero inbox, BatchZero@ercot.com.

Thank you from the ERCOT Teams,

Large Load Integration, Planning, Dynamics, and Legal



Large Load Integration

2705 West Lake Drive, Taylor, TX 76574

Confidentiality Notice: The information contained in this email message and attached document is confidential and is intended for the addressee only. If you received this email in error, please notify the sender immediately.

Confidentiality Notice: This email message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review,

copy, use, disclosure, or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

DOCKET NO. _____

MEDINA COUNTY POWER NR I, LLC'S	§	PUBLIC UTILITY COMMISSION
COMPLAINT AND APPEAL OF THE	§	
DECISIONS OF THE ELECTRIC	§	OF TEXAS
RELIABILITY COUNCIL OF TEXAS	§	
	§	

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. _____" 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;¹ 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).

¹ 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 PURA² § 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. _____” 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

² 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. _____. 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,³ the Texas Securities Act,⁴ 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

³ Tex. Gov't Code §§ 551.001—.146.

⁴ 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.

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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. _____. I acknowledge that the obligations imposed by this certification are pursuant to such Protective Order.

Signature

Party Represented

Printed Name

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.

Signature

Party Represented

Printed Name

Date