**16 TAC § 25.53 – Recommended Amendments Form**

**Introduction**

The Public Utility Commission of Texas (PUCT) is requesting feedback on recommendations to inform a possible rulemaking regarding *§ 25.53 – Electric Service Emergency Operations Plan*. To submit feedback, this form must be completed and filed by May 23, 2025 in Project No. 57928.

**Filing and Contact Information**

**Step 1: Enter the Project Number, Filing Entity Name, and Entity Information.**

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| **Project Number** | 57928 |
| **Filing Entity Name** | Texas Competitive Power Advocates (TCPA) |
| **Entity Information (Optional)** | 13 member companies |

**Step 2: Enter the Contact Information of the individual Commission Staff should contact if questions about this filing arise.**

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| **Name** | Michele Richmond |
| **Email** | michele@competitivepower.org |
| **Phone Number** | 512-653-7447 |

**PUCT Recommended Actions**

**Step 3: Review the 16 TAC § 25.53 Recommended Actions.**

*Instructions*: Review the § 25.53 Recommended Actions as seen within the tables on pages 3 – 6 of this form. Recommended Actions are only applicable to § 25.53(c) and § 25.53(e).

**Filing Entity Comments**

**Step 4: Provide Comments.**

*Instructions*: Select the associated PUCT Recommended Action within the Filing Entity Comments tables on page 7 of this form. Provide the Entity Comment for the applicable Recommended Action selected. The user may also select the same PUCT Recommended Action for multiple entries and provide comments for a single PUCT Recommended Action in a stratified format.

The Recommended Actions that appear as drop-down selections for each table are dependent on the specific table and appear as the identifier nomenclature seen in the § 25.53 Recommendation Action tables on pages 3 – 6 of this form.

**Notes**

To add a new entry in the Filing Entity Comments tables:

* Click into any accessible row; and
* Select the **blue** addition symbol on the bottom right-hand side of the table.

**File Document**

**Step 5: File the completed 16 TAC § 25.53 – Recommended Amendments Form.**

*Instructions*: File the completed 16 TAC § 25.53 – Recommended Amendments Form **in Word document (\*.docx) format** within Project No. 57928 by visiting [The Public Utility Commission of Texas Interchange Filer](https://interchange.puc.texas.gov/filer). **Do not file this form in PDF format.**

A Filing Entity may file a brief memo in conjunction with this form. However, with respect to the Recommended Amendments, only comments provided with this form will be considered during the review process.

**§ 25.53(c) Recommended Actions**

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| **§ 25.53(c)** | |
| **Identifier** | **Recommended Action** |
| 25.53(c) - Rec 1 | Require individual EOP filings for each individually registered electric entity, (removing joint filings). The EOP may be the same corporate-wide EOP, encompassing multiple entities, if it meets all the criteria of 16 TAC § 25.53, but it should be filed for each entity using the exact entity name in the PUCT registration. |
| 25.53(c) - Rec 2 | Require standardized filing descriptions: a. 20XX Emergency Operations Plan Filing for ENTITY b. 20XX Executive Summary to Accompany ENTITY’s EOP c. 20XX Affidavit for No Substantial Change for ENTITY  d. 20XX Emergency Contacts for ENTITY |
| 25.53(c) - Rec 3 | Require use of Executive Summary Template. |
| 25.53(c) - Rec 4 | Require a comprehensive list of assets be provided as part of the executive summary for PGCs (part of executive summary template). |
| 25.53(c) - Rec 5 | Enhance the existing language of 16 TAC § 25.53 to limit the use of affidavits for EOPs without material changes (refile full EOP once every 2 or 3 years). |
| 25.53(c) - Rec 6 | Request declarations of weather preparedness for all applicable entities in Texas that are part of the ERCOT power region. Request something similar from non ERCOT entities. |

**§ 25.53(e) Recommended Actions**

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| **§ 25.53(e)** | |
| **Identifier** | **Recommended Action** |
| 25.53(e) - Rec 1 | Electric utilities, transmission and distribution utilities, municipally owned utilities, and electric cooperatives: Weather Emergency Annex ((e) (1) (A)) should be updated to include:  1. Methodology, tools, and resources used for identification of extreme hot and cold weather events 2. Notification to personnel, customers, and media of impending weather event and potential impact to the electric system 3. Include actions specific to hot weather events and cold weather events 4. Incorporate checklists required in §25.55 as part of the EOP submission (to bolster overview of preparedness within a single filing/single source) 5. Require entities to include all applicable processes and procedures related to weather event preparation and response, instead of allowing a reference to internal processes and procedures in the submittals 6. Spare equipment strategy to quickly replace equipment and restore infrastructure to normal operating condition |
| 25.53(e) - Rec 2 | Electric utilities, transmission and distribution utilities, municipally owned utilities, and electric cooperatives: Wildfire Annex ((e) (1) (D)) should include:   1. Overview of system hardening efforts (temporary and long-term) to reduce the risk, and impact of potential wildfires  2. Use of fire risk maps (e.g., FEMA Wildfire Risk Index or assess for localized/Texas maps) to identify wildfire risks for electric infrastructure within an entity’s system  3. Identification and communication of wildfire dangers internally to personnel and externally to customers, reliability entities, and applicable stakeholders  4. Additional steps taken by the electric entity to prevent or minimize interruption of service and damage to electric infrastructure  5. Spare equipment strategy to quickly replace equipment and restore infrastructure to normal operating condition |
| 25.53(e) - Rec 3 | Electric utilities, transmission and distribution utilities, municipally owned utilities, and electric cooperatives: Hurricane Annex ((e) (1) (E)) should include:   1. Steps taken to identify hurricanes and provide advance notification to personnel, customers, and media, specific to hurricane dangers and impact  2. Management of personnel to respond to hurricanes  3. Spare equipment strategy to quickly replace equipment and restore infrastructure to normal operating condition |

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| **25.53(e) Continued** | |
| **Identifier** | **Recommended Action** |
| 25.53(e) - Rec 4 | Electric cooperatives, electric utility, and municipally owned utilities that operate generation resources, and power generation companies: Weather Emergency Annex ((e) (2) (A)) should be updated to include:   1. Methodology, tools, and resources used for identification of extreme hot and cold weather events  2. Notification to personnel, customers, and media of impending weather event and potential impact to the electric system  3. Incorporate checklists required in 16 TAC § 25.55 as part of the EOP submission (to bolster overview of preparedness within a single filing/single source)  4. Require entities to include all their applicable processes and procedures related to weather event preparation and response, instead of allowing a reference to internal processes and procedures in the submittals  5. Spare equipment strategy to quickly replace equipment and restore infrastructure to normal operating condition |
| 25.53(e) - Rec 5 | Electric cooperatives, electric utility, and municipally owned utilities that operate generation resources, and power generation companies: Hurricane Annex ((e) (2) (E)) should include:   1. Steps taken to identify hurricanes and provide advance notification to personnel, applicable stakeholders, reliability entities, and media, specific to hurricane dangers and impact to operations  2. Management of personnel to respond to hurricanes  3. Spare equipment strategy to quickly replace equipment and restore infrastructure to normal operating condition |
| 25.53(e) - Rec 6 | Retail electric providers: Hurricane Annex ((e) (3) (B))   1. Steps taken to identify hurricanes and provide advance notification to personnel, applicable stakeholders, reliability entities, and media, specific to hurricane dangers and impact to operations |
| 25.53(e) - Rec 7 | Add a requirement to 16 TAC § 25.53 for a Flooding annex to EOP filings. Ex:   a. Methodology used to identify flood plains and high-risk flood areas within an entity’s system  b. List of flood plains and high-risk flood areas within an entity’s system  c. Processes used to identify and prepare for potential flooding events  d. Equipment needed in a flood event |

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| **25.53(e) Continued** | |
| **Identifier** | **Recommended Action** |
| 25.53(e) - Rec 8 | Add a requirement to 16 TAC § 25.53 for a Tornado annex to EOP filings. Ex:   a. Tools, processes, and resources used for identification of tornado risks within service territories and/or facility locations  b. Communication plan with organizational personnel, critical customers, regulatory bodies, and local media in the event of a tornado watch, tornado warning, and tornado damage |
| 25.53(e) - Rec 9 | Enhance the existing requirements for drills. Ex:  a. Overview of the drill performed  i. Scenario of the drill – Hurricane, cold weather event, load shedding, etc.   ii. Type of drill - table top, simulation, or activation of the EOP during an  emergency situation b. Roster of all personnel involved (including name and title)  c. Attendance log (with employee signatures) for personnel involved in the drill  d. Agenda and operations logs for the drill e. Assessment of drill to evaluate effectiveness and identify any enhancements to the EOP |
| 25.53(e) - Rec 10 | Requiring all annexes be filed with EOPs. |
| 25.53(e) - Rec 11 | EOP filings should be comprehensive and include all information, or an explanation as to why a required annex is not included (e.g., Entity’s facilities are not in hurricane evacuation routes as identified by TDEM) (annexes specified on executive summary template). |

**Filing Entity Comments**

| **Rule Citation 25.53(c)** | | |
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| **Rule Citation** | **PUCT Recommended Action** | **Filing Entity Comment** |
|  |  | OPPOSE – this is duplicative, unnecessary and onerous. EOP filings already require that each entity associated with the filing company be identified along with the EOP components that relate to each entity. There is no apparent benefit to separate filings, but imposing that requirement would be time-consuming and burdensome. |
|  |  | If the list of assets is limited to listing generating units or facilities, similar to PGC generating capacity report, then TCPA has no objection.  If the list is expected to provide a more detailed level of information, then TCPA has concerns about the recommendation being needlessly cumbersome, with unclear benefit. |
|  |  | TCPA has concerns regarding refiling full EOPs every three years. Providing an affidavit to indicate EOPs without material changes already requires entities review their existing EOPs to see if updates are needed. Additionally, staff has not indicated how the plans will be used outside of review by third party consultants. If staff is having trouble finding full EOPs, there are better ways to handle this situation (e.g. raming conventions, separate projects for annual updates and for full EOPs, requiring the biannual PGC renewals to include a reference to the most recent full EOP filing, including a field in the entity’s PUCT portal information where they should maintain the reference to the full EOP filing). |
|  |  | TCPA does not support this recommendation as it is unnecessary. EOP filing deadlines (mid-March) will not line up with the timing of weather preparations and associated declarations (no later than June 1 for summer and December 1 for winter), with declarations filed separately at ERCOT close to the season for which the declaration applies. |

| **Rule Citation 25.53(e)** | | |
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| **Rule Citation** | **PUCT Recommended Action** | **Filing Entity Comment** |
|  |  | As a general matter, TCPA is concerned about the possibility of adding too many weather specific annexes, which can be addressed in an all hazards annex or the existing applicable annexes. It may not be useful to overburden EOP filings with too many annexes, especially for entities that may not be applicable for.  Additionally, TCPA has concerns about the proposal to require detailed checklists (#3) and all applicable processes and procedures (#4) for the weather emergency annex, as those are site-specific and would needlessly add several hundred pages to EOPs. Since these checklists and procedures may be reviewed by ERCOT inspectors during weather-preparedness inspections under 16 Tex. Admin. Code 25.55, or by PUC staff any time upon request, this requirement would be unnecessarily burdensome. TCPA has no concerns with other recommendations. |
|  |  | TCPA believes this section should be clarified to ensure it pertains to the annual drill process. TCPA has concerns regarding sensitive information contained in operations logs, any weaknesses found in drills, which could be used by bad actors, and the release of personnel information. TCPA is not aware of any concerns from Staff regarding what is currently provided regarding drills, including 30-day notice to allow Staff to attend, and believes the current information is sufficient. |
|  |  | TCPA is concerned about this proposal. Redacted annexes that are currently withheld from the EOP filing are withheld because they contain confidential, security sensitive information. With the PUC subject to the Public Information Act (PIA), a requirement to file the annex, even confidentially, would necessitate heavy redaction due to the sensitivity of the information. ERCOT, not subject to the PIA, has a well-established process for protecting confidential and sensitive information, is not subject to Attorney General (AG) rulings related to the PIA, and receives annexes in full already. Because the PUC is subject to the PIA and AG rulings associated with the PIA, protecting confidential and security sensitive information will be much more difficult if entities are required to file complete annexes with the PUC. |