**PUC PROJECT NO. 57999**

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| **REVIEW OF CHAPTER 25, SUBSTANTIVE RULES APPLICABLE TO ELECTRIC SERVICE PROVIDERS UNDER THE ADMINISTRATIVE PROCEDURE ACT §2001.039** | **§**  **§**  **§**  **§** | **PUBLIC UTILITY COMMISSION**  **OF TEXAS** |

TCPA’s response to REQUEST FOR COMMENTS

ON CHAPTER 25 RULE REVIEW

Texas Competitive Power Advocates (“TCPA”) appreciates the opportunity to respond to the Request for Comments on Chapter 25 Rule Review and offers two suggestions.

First, TCPA recommends the repeal of 16 Tex. Admin. Code (“TAC”) § 25.173, as the Renewable Portfolio Standard (“RPS”) program is to be phased out and eliminated effective September 1, 2025. Alternatively, the Commission could replace this section with a streamlined rule commemorating ERCOT’s authorization to administer a purely voluntary accreditation program.

Second, TCPA suggests clean-ups in 16 TAC § 25.476, including elimination of references to the soon-to-be-repealed RPS and the repeal of language that requires generators to annually report certain data to ERCOT (and ERCOT to maintain that data in “generator scorecards”) that is no longer of practical use.

**RPS RULE REPEAL**

HB 1500 (88R) requires the RPS program to be phased out and eliminated effective September 1, 2025. Therefore, TCPA suggests repealing 16 TAC § 25.173 following the settlement of the 2025 program year (which should align reasonably well with the timing of this rulemaking).

Alternatively, the Commission could replace the existing rule with a streamlined rule that commemorates ERCOT’s authorization to administer a purely voluntary accreditation program to avoid any confusion going forward. Public Utility Regulatory Act (“PURA”)[[1]](#footnote-2) § 39.9113 requires that ERCOT “maintain an accreditation and banking system to award and track voluntary renewable energy credits generated by eligible facilities.” That statutory provision survives the repeal of the mandatory RPS effective September 1, 2025. Consistent with the statute, Section 14 of ERCOT’s Protocols sets out the voluntary accreditation and banking system, and any changes to those Protocols (such as those that will be needed once the mandatory solar RPS program expires on September 1) will have to be approved by the Commission. Thus, a Commission rule on this topic is not strictly necessary.

However, if the Commission desires to set any guardrails around that voluntary accreditation and banking system going forward, or to clarify that the system will continue notwithstanding the repeal of the mandatory RPS program, the Commission could revise rather than repeal 16 TAC § 25.173.

**CLEAN-UP OF RENEWABLE AND GREEN ENERGY VERIFICATION RULE**

TCPA recommends repealing 16 TAC § 25.476(e) and removing references in that section to the soon-to-be-sunset PURA § 39.904. 16 TAC § 25.476(e) is a vestigial remnant of a retail disclosure rule requirement that was eliminated by the Commission in 2009. Specifically, 16 TAC § 25.475 previously required retail electric providers (“REPs”) to disclose fuel mix information on their electricity facts label (“EFL”) for residential and small commercial customers. Prior to the elimination of that requirement in 2009,2 16 TAC § 25.476(e) helped REPs make the required EFL disclosures by imposing requirements on ERCOT to “create and maintain a database of generator scorecards” reflecting environmental attributes and on generators to provide necessary information to ERCOT (the “registration agent”) to complete that task. Now that the retail disclosure requirement has been eliminated, this “scorecard data” is no longer needed or utilized by ERCOT for its originally intended purpose.

To that end, TCPA believes 16 TAC § 25.476(e) should be repealed, along with associated provisions in 16 TAC § 25.476(b)(1), (c)(1)-(3), and (f)(4) given that the scorecard data requirement for generator emissions is an unnecessary administrative burden on generators, without any apparent corresponding benefit for the originally intended audience for that information (residential and small commercial customers). Furthermore, 16 TAC § 25.476(c)(5), (d)(1)-(2), (f)(3), (f)(5), and (g)(2) should be redacted or revised as appropriate to account for the sunset of the RPS (and, in turn, 16 TAC § 25.173 as recommended above).

**CONCLUSION**

TCPA appreciates the opportunity to provide these comments. TCPA supports the Commission’s efforts to review and update its rules to reflect legal and operational changes.

Dated: July 11, 2025

Respectfully submitted,

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**EXECUTIVE SUMMARY OF TCPA COMMENTS**

* The Renewable Portfolio Standard (“RPS”) in 16 TAC § 25.173 should be repealed, as RPS is to be phased out and eliminated effective September 1, 2025. If necessary, the Commission should replace that rule with streamlined rule that commemorates ERCOT’s authorization to administer a purely voluntary accreditation program.
* 16 TAC § 25.476 should be “cleaned up” to eliminate references to the soon-to-be-sunset RPS and to repeal subsection (e) and related provisions regarding the “generator scorecard” and “scorecard data” since this data is no longer used for its original purpose and creates an unnecessary administrative burden on generators.

1. Tex. Util. Code §§ 11.001-66.016 (“PURA”). [↑](#footnote-ref-2)