

March 1, 2021

Delivered via Market Notice

To Whom It May Concern:

We have received formal requests to inspect or copy some of our files. A copy of these requests for information are enclosed. The requested files include records we received from you or from your company. The Office of the Attorney General is reviewing this matter, and they will issue a decision on whether Texas law requires us to release your records. Generally, the Public Information Act (the "Act") requires the release of requested information, but there are exceptions. As described below, you have the right to object to the release of your records by submitting written arguments to the attorney general that one or more exceptions apply to your records. You are not required to submit arguments to the attorney general, but if you decide not to submit arguments, the Office of the Attorney General will presume that you have no interest in withholding your records from disclosure. In other words, if you fail to take timely action, the attorney general will more than likely rule that your records must be released to the public. If you decide to submit arguments, **you must do so not later than the tenth business day after the date you receive this notice.**

If you submit arguments to the attorney general, you must:

- a) identify the legal exceptions that apply,
- b) identify the specific parts of each document that are covered by each exception, and
- c) explain why each exception applies.

Gov't Code § 552.305(d). A claim that an exception applies without further explanation will not suffice. Attorney General Opinion H-436 (1974). You may contact this office to review the information at issue in order to make your arguments. We will provide the attorney general with a copy of the request for information and a copy of the requested information, along with other material required by the Act. The attorney general is generally required to issue a decision within 45 business days.

Please send your written comments to the Office of the Attorney General at the following address:

Office of the Attorney General
Open Records Division
P.O. Box 12548
Austin, Texas 78711-2548

If you wish to submit your written comments electronically, you may only do so via the Office of the Attorney General's eFiling System. An administrative convenience charge will be assessed for use of the eFiling System. No other method of electronic submission is available. Please visit the attorney general's website at <http://www.texasattorneygeneral.gov> for more information.

In addition, you are required to provide the requestor with a copy of your communication to the Office of the Attorney General. Gov't Code § 552.305(e). You may redact the requestor's copy of your communication to the extent it contains the substance of the requested information. Gov't Code § 552.305(e). You may provide a copy of your communication to the governmental body who received the request and sent the notice.

Commonly Raised Exceptions

In order for a governmental body to withhold requested information, specific tests or factors for the applicability of a claimed exception must be met. Failure to meet these tests may result in the release of requested information. We have listed the most commonly claimed exceptions in the Government Code concerning proprietary information and the leading cases or decisions discussing them. This listing is not intended to limit any exceptions or statutes you may raise.

Section 552.101: Information Made Confidential by Law

Open Records Decision No. 652 (1997).

Section 552.110: Confidentiality of Trade Secrets and Commercial or Financial Information

Trade Secrets

Commercial or Financial Information:

Birnbaum v. Alliance of Am. Insurers, 994 S.W.2d 766 (Tex. App.—Austin 1999, pet. filed) (construing previous version of section 552.110), *abrogated by In re Bass*, 113 S.W.3d 735 (Tex. 2003).

Open Records Decision No. 639 (1996).

Open Records Decision No. 661 (1999).

Section 552.1101: Confidentiality of Proprietary Information

Section 552.113: Confidentiality of Geological or Geophysical Information

Open Records Decision No. 627 (1994).

Section 552.131: Confidentiality of Certain Economic Development Negotiation Information

If you have questions about this notice or release of information under the Act, please refer to the *Public Information Handbook* published by the Office of the Attorney General, or contact the attorney general's Open Government Hotline at (512) 478-OPEN (6736) or toll-free at (877) 673-6839 (877-OPEN TEX). To access the *Public Information Handbook* or Attorney General Opinions, including those listed above, please visit the attorney general's website at <http://www.texasattorneygeneral.gov>.

Sincerely,

Electric Reliability Council of Texas, Inc.

Enclosure: Copy of requests for information
Copy of request for OAG ruling

cc:
Requestors
(w/o enclosures)

Open Records Division
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711-2548
(w/o enclosures)



March 1, 2021

VIA ELECTRONIC FILING

Justin Gordon

Office of the Attorney General
Chief - Open Government Division
P.O. Box 12548, Capitol Station
Austin, Texas 78711-2548

RE: Determination of Applicability of Texas Public Information Act

Dear Mr. Gordon,

Following Winter Storm Uri, ERCOT has received numerous information requests through its online portal and other means. See <http://ercot.com/about/contact/inforequest>. Some of the requests cite the Texas Public Information Act, Tex. Gov't Code ch. 552, as a basis for the records request. Exhibit "A". The requests were received beginning on February 14, 2021.

The Public Utility Commission has implemented ERCOT-specific regulations that govern ERCOT's disclosure of public information. 16 Tex. Admin. Code § 25.362(e). The procedures ERCOT has adopted for handling record requests have similar deadlines and exceptions to disclosure that would be relevant to ERCOT under the PIA. ERCOT is concerned that if it is also subject to the PIA, its disclosure obligations under that statute would conflict with its PUC-implemented disclosure obligations. ERCOT is working expeditiously to respond to the information requests, and it intends to timely disclose as much information as its governing regulations permit. But because there is ambiguity about which disclosure scheme governs, ERCOT seeks a ruling from this office on whether it is subject to the PIA, while preserving its objections to the release of any information that is confidential by law. ERCOT submits this request within ten business days of the first request received. ERCOT has provided the requestors with a copy of this request and has notified each of those parties whose information is the subject of one or more of the information requests.

The PUC, which directly oversees ERCOT, has established specific information-disclosure regulations that take into account the unique nature of ERCOT's role and ERCOT's and the PUC's expertise. ERCOT, though organized as a nonprofit corporation, performs a critical governmental function while also being directly answerable to the PUC. As the "independent organization" certified by the PUC, ERCOT is responsible for "ensur[ing] the reliability and adequacy of the regional electrical network" and "ensur[ing] access to the transmission and distribution systems

for all buyers and sellers of electricity on nondiscriminatory terms.” Tex. Util. Code § 39.151(a). In short, ERCOT manages the State’s electric grid and wholesale electricity market. All of ERCOT’s operations are subject to the PUC’s plenary control. ERCOT is “directly responsible and accountable to the commission,” which in turn “has complete authority” over ERCOT. *Id.* § 39.151(d).

In its comprehensive statute creating and defining ERCOT’s role, the Legislature did not explicitly subject ERCOT to the PIA. However, recognizing that ERCOT performs a public function, the PUC has established a public-information regime that accounts for the unique nature of the information ERCOT holds. *See* 16 Tex. Admin. Code § 25.362(e). Under PUC Rule 25.362(e)(1), ERCOT must “adopt and comply with procedures that allow persons to request and obtain access to records” possessed by ERCOT. Responsive information must “normally be provided within ten business days.” *Id.* Importantly, “ERCOT’s procedures regarding access to records shall be consistent with this [rule] and commission orders.”

ERCOT must generally disclose information in its possession on request, but it must not disclose information “designated as Protected Information pursuant to ERCOT rules.” *Id.* § 25.362(e)(1)(A). ERCOT’s rules—known as protocols—are themselves binding legal rules enacted using rulemaking authority delegated from the PUC, which also has plenary authority to approve, reject, or modify them. *See* Tex. Util. Code § 39.151(d); *PUC v. Constellation Energy Commodities Grp.*, 351 S.W.3d 588, 595 (Tex. App.—Austin 2011, pet. denied) (ERCOT’s rules “have the force and effect of statutes”). Section 1.3.1.1 of ERCOT’s protocols thus defines, in granular detail, what records in its possession are protected and which are not. Records deemed protected by these PUC-approved rules include Critical Energy Infrastructure Information, the protection of which is vital to the system’s security, and enormous volumes of confidential business information that market participants must provide so that ERCOT can manage the State’s electricity market and grid.

If ERCOT declines, under these rules and protocols, to disclose protected information, the requestor may seek review from the PUC, which “may determine the validity of the asserted claim of confidentiality through a contested-case proceeding.” 16 Tex. Admin. Code § 25.362(e)(1)(C). The process is designed to answer “whether the information is subject to protection from disclosure under law.” *Id.* Rulings by the PUC in contested-case proceedings are subject to judicial review.

Subjecting ERCOT to the PIA would interfere with the PUC’s “direct[.]” and “complete” authority over ERCOT and would subject ERCOT to inconsistent regulatory regimes. ERCOT performs a public function. The system administration fee that funds ERCOT’s operations is collected pursuant to the State’s police power. *See* Tex. Util. Code § 39.151(e). Some requestors may therefore argue that ERCOT is a “governmental body” under the PIA because it “is supported in whole or in part by public funds.” Tex. Gov’t Code § 552.003(1)(A). However, this office need not contend with the PIA’s definition of “public funds,” *see id.* § 552.003(5), in order to determine that ERCOT is not subject to the PIA.

The problem is structural: subjecting ERCOT to the PIA would conflict with ERCOT’s enabling statute. *See City of Waco v. Lopez*, 259 S.W.3d 147, 153 (Tex. 2008) (holding “that a

specific statute will ordinarily prevail over a general statute when the two cannot be reconciled”). That statute gives the PUC “complete authority” over ERCOT, and pursuant to that “complete authority” the PUC has created a specialized public-information regime that accounts for ERCOT’s unique function and the PUC’s oversight role. Were the PIA to apply to ERCOT, the Office of the Texas Attorney General, rather than the PUC, would have authority to determine whether ERCOT holds are subject to disclosure. In that case, the PUC’s authority would no longer be complete—because the PUC’s authority over ERCOT’s records would be subordinate to the Attorney General’s. This would conflict not only with the language of ERCOT’s enabling act, but its purpose. The Legislature granted the PUC authority over ERCOT because it has expertise in the complicated subject matter for which ERCOT is responsible. This expertise is necessary to resolve disputes about whether records in ERCOT’s possession are confidential or should be disclosed. The Attorney General lacks the technical expertise the PUC enjoys.

For example, one category of “protected information” that ERCOT protocols prohibit ERCOT and its market participants from disclosing is “[r]esource-specific costs, design, and engineering data.” Protocols § 1.3.1.1.(1)(m). Determining what information falls within this category requires significant technical expertise and regulatory judgment in balancing the commercial sensitivity of information about individual generators with the needs of the broader market to have access to at least some basic generator parameter information for system modeling and generation development purposes. Similarly, recently approved protocols prohibit disclosure of ERCOT Critical Energy Infrastructure Information, which is defined as certain grid infrastructure information that “could foreseeably be useful to a person planning an attack on ERCOT System Infrastructure.” ERCOT Protocols §§ 1.3.2(1), 2.1 (eff. Apr. 1, 2021). Whether particular information satisfies this test requires expertise in the many possible ways in which this information could be used to compromise the many thousands of components of generators, control centers, transmission lines, and substations that make up the power grid. These interpretations are best overseen by the PUC.

ERCOT’s direct accountability to the PUC, Tex. Util. Code § 39.151(d), is likewise a barrier to the PIA’s application. The PUC has ordered ERCOT to disclose records “consistent with” the PUC’s rules. 16 Tex. Admin. Code § 25.362(e)(1). ERCOT could not comply with the PIA without violating an order from its direct overseer. *See Christus Health Gulf Coast v. Carswell*, 505 S.W.3d 528, 535–36 (Tex. 2016) (holding that “directly” “means ‘without the intervention of a medium or agent’ or ‘immediately’”).

Finally, a 2019 amendment to ERCOT’s enabling act confirms that ERCOT is not subject to the PIA. Because of its critical role, ERCOT must annually “conduct [an] internal cybersecurity risk assessment, vulnerability testing, and employee training” and report to the PUC regarding its compliance with “cybersecurity and information security laws.” Tex. Util. Code § 39.151(o). The Legislature specified that information reported *to the PUC* under this provision “is confidential and not subject to disclosure” under the PIA. *Id.* § 39.151(p). While the Legislature deemed this information confidential, it did not provide that the same information was not subject to disclosure when held by ERCOT, rather than “submitted in a report” to the PUC. This implies that the PIA does not apply to ERCOT.

ERCOT asks this office to issue a ruling that ERCOT is not subject to the PIA. *See Blankenship v. Brazos Higher Educ. Auth., Inc.*, 975 S.W.2d 353, 362 (Tex. App.—Waco 1998, pet. denied) (observing that it is routine for this office to answer such questions). ERCOT emphasizes that it seeks this ruling only to avoid the impossibility of complying with dueling, inconstant disclosure obligations. The ruling will ensure the public’s access to information that the PUC has deemed disclosable, but will guard information that could harm the system or the legally protectable interests of private parties. ERCOT intends to disclose as many records as the law permits. Any non-disclosure may be challenged before the PUC and, ultimately, reviewed in court.

In the event this office determines ERCOT is subject to the PIA, ERCOT objects to the disclosure of any records made confidential by its protocols or other law pursuant to Texas Government Code § 552.101, and further objects to the disclosure of any information otherwise exempted from disclosure under Texas Government Code §§ 552.101, 552.102, 552.103, 552.104, 552.107, 552.110, 552.1101, 552.133, and 552.139.

ERCOT has notified the Requestors that it is seeking a ruling from the Attorney General as to the applicability of the PIA to ERCOT, and if found to be subject to the PIA, a ruling of the Attorney General as to those items it claims should be excepted from disclosure. ERCOT has also notified third parties whose information is the subject of one or more of these requests.

Sincerely,



Jay B. Stewart

Exhibit “A” – Copies of Requests for Information
Exhibit “B” – Third Party Notice

From: info@ercot.com
To: [info](#)
Subject: Information Request from Ercot.com
Date: Tuesday, February 23, 2021 5:46:12 PM

A visitor to the Ercot.com web site has requested information. The details of the request are below:

Name Andrea Zelinski

Company Texas Monthly

Address 1705 Anise Drive
Austin, TX 78741

Email andreazelinski@outlook.com

Phone (615) 945-6414

Delivery Method Electronic

Request Under the Texas Public Information Act and other applicable law, I request the following information held by your agency: 1) Any and all emails exchanged between ERCOT personnel, generators, load, TCEQ staff or commissioners, Railroad Commission staff or commissioners, QSEs, REPs, the IMM, FERC or TERC personnel and the PUC commissioners or PUC staff between Feb. 8 and Feb. 19. You may exclude any emails that do not pertain to the winter weather events. 2) Any and all data provided to PUC that shows real-time settlement data for Feb. 14-18; 3) Any and all telemetry indicating outages on Feb. 14-18; 4) MIS hourly postings for Feb. 14-18; 5) Any and all ERCOT logs for Feb. 14-18. I may be willing to tailor my request depending on the volume of responsive information. Sincerely, Andrea Zelinski Texas Monthly

From: info@ercot.com
To: info
Subject: Information Request from Ercot.com
Date: Tuesday, February 23, 2021 3:30:10 PM

A visitor to the Ercot.com web site has requested information. The details of the request are below:

Name Justin Miller

Company Texas Observer

Address 54 Chicon Street
Austin, TX 78702

Email miller@texasobserver.org

Phone (651) 357-7749

Delivery Method Electronic

Request This is a request under the Texas Public Information Act. I am respectfully requesting the following records: -All email, video, and text-message communications between ERCOT executive officials and officials and/or representatives for Vistra Corp, from February 8 through February 19. Records that are considered confidential, excepted from disclosure under the Texas Public Information Act, or that are proprietary, may be redacted or otherwise protected. If the records are voluminous, please contact me by telephone to discuss narrowing the scope of this request. I request to receive this information in electronic format, preferably as text-readable PDF, by email. I am a member of the media and I ask that you waive any fees for record retrieval or copying associated with this request because release of this information is in the public interest. I would request a prompt response to this request. If you expect a significant delay in responding to or in fulfilling this request, please contact me with information about when I might expect a response. Please contact me by telephone or email, if you have any questions regarding this request. If any part is unclear, or I can help clarify anything to make processing the request easier, please don't hesitate to reach out to me. If my request is denied in whole or in part, please provide a detailed justification for your decision. If you determine that a portion of the information I have requested is exempt from disclosure, please segregate that material so that the remainder can be released. I reserve the right to appeal your decision to withhold any information or to deny a fee

waiver. Thank you for considering my request.

From: info@ercot.com
To: info
Subject: Information Request from Ercot.com
Date: Thursday, February 25, 2021 10:16:48 AM

A visitor to the Ercot.com web site has requested information. The details of the request are below:

Name Brandon Waltens

Company Texas Scorecard

Address 14477 Robert I Walker Blvd
Austin, TX 78728

Email brandon@texasscorecard.com

Phone (501) 681-2161

Delivery Method Electronic

Request This is a request pursuant to the Public Information Act from Texas Scorecard 1) Records sufficient to show what the thermostat was set to at ERCOT's Austin and Taylor campuses for the dates Feb 11 - Feb 18; 2) Only if records sufficient to show the data identified in item 1 do not exist, any records related to the temperature maintained at the two locations for those dates; 3) All communications between Gov. Greg Abbott and/or any member of his Executive Office and any ERCOT director from Jan 1, 2021 through the present.

From: info@ercot.com
To: [info](#)
Subject: Information Request from Ercot.com
Date: Tuesday, February 23, 2021 3:20:52 PM

A visitor to the Ercot.com web site has requested information. The details of the request are below:

Name Melanie Barden

Company CBS Austin News (KEYE)

Address 10700 Metric Blvd
Austin, TX 78758

Email mbarden@cbsaustin.com

Phone (512) 796-8110

Delivery Method Electronic

Request All emails pertaining to winter weather events in 2021. Please include all emails going to and from board members pertaining to winter weather events in 2021.

From: info@ercot.com
To: [info](#)
Subject: Information Request from Ercot.com
Date: Tuesday, February 23, 2021 2:37:23 PM

A visitor to the Ercot.com web site has requested information. The details of the request are below:

Name Dominic Walsh

Company Texas Public Radio

Address 802 Montana Street Apt #2
San Antonio, TX 78203

Email dominic@tpr.org

Phone (210) 529-2884

Delivery Method Electronic

Request Please share all audio recordings ERCOT maintained from 7 pm CT on Feb. 14 through 7 am CT on Feb 15. These recordings might include but are not limited to: security footage of the control room and phone/radio communication. The recordings may be submitted in the form of a video file as long as sound is included. I consent to any mandatory redactions under state law.

From: info@ercot.com
To: [info](#)
Subject: Information Request from Ercot.com
Date: Tuesday, February 23, 2021 1:39:59 PM

A visitor to the Ercot.com web site has requested information. The details of the request are below:

Name Eleanor Dearman

Company Fort Worth Star-Telegram

Address 5300 Apple Orchard Ln.
Austin, TX 78744

Email edearman@star-telegram.com

Phone (817) 807-3200

Delivery Method Electronic

Request Hello, I hope this message finds you well. I respectfully request the following records, pursuant to Chapter 552 of the Texas Government Code: Emails or other communications to and from members of ERCOT's board of directors, including Chair Sally Talberg and Vice Chair Peter Cramton, and ERCOT's executive team, including Bill Magness, as well as Senior Director Dan Woodfin that contain the following keywords: Cold Weather Ice Freeze Freezing Snow Electricity Power Outage Blackout Gas Solar Wind Generator I am requesting communications from the time period of Feb. 7, 2021 to now. I ask that these records be provided in an electronic format and in an expedited fashion given they are in the public interest. I also ask fees be waived. If you have any questions, please let me know by email at edearman@star-telegram.com or by phone at 817-808-3200. Thank you for your help with this request. Best, Eleanor Dearman Reporter, Fort Worth Star-Telegram 817-807-3200 edearman@star-telegram.com

From: info@ercot.com
To: [info](#)
Subject: Information Request from Ercot.com
Date: Monday, February 22, 2021 10:25:52 PM

A visitor to the Ercot.com web site has requested information. The details of the request are below:

Name Scott Friedman

Company NBC5 KXAS-TV

Address 4805 Amon Carter Blvd
Fort Worth, TX 75022

Email scott.friedman@nbcuni.com

Phone (817) 239-9107

Delivery Method Electronic

Request -All emails to/from Bill Magness containing any of the following phrases (weather, cold, freezing, winterize, winterization, ice, snow, storm, frigid, temperatures, outages, capacity). Time frame for this request is February 7th, 2021 to February 14, 2021. -All emails to/from Dan Woodfin containing any of the following phrases (weather, cold, freezing, winterize, winterization, ice, snow, storm, frigid, temperatures, outages, capacity). Time frame for this request is February 7th, 2021 to February 14, 2021. -Copies of all winterization plans submitted to ERCOT by any electric generator for the 2020-21 winter season. -Copies all findings of concern/deficiencies found during any of the 94 winterization virtual spot checks/tabletop exercises ERCOT conducted with power generating entities for the 2020-21 winter season.

From: info@ercot.com
To: info
Subject: Information Request from Ercot.com
Date: Monday, February 22, 2021 4:48:43 PM

A visitor to the Ercot.com web site has requested information. The details of the request are below:

Name Ted Oberg

Company KTRK TV

Address 3310 Bissonnet
Houston, TX 77005

Email ted.oberg@abc.com

Phone (713) 582-7574

Delivery Method Electronic

Request I am a reporter for the ABC station in Houston. Via text to Leslie Sopko, I requested the last year's worth of winterization inspection reports (from 1/1/20 to the present) last week. I wanted to renew and formalize that request. If need be, please consider this a request under the Texas Public Information Act for all winterization reports from 1/1/2020 to the present. If this is not the official title of those documents, I am asking for any report or other document generated by the inspection process described on the ERCOT Media Call on Wednesday February 17, 2021 at or about 11:46am. Thank you - Ted Ted Oberg Reporter W. 713.663.4564 | M. 713.582.7574 FB: @ABC13TedOberg TW: tedabc13 IG: tedabc13 3310 Bissonnet, Houston TX 77005

From: info@ercot.com
To: [info](#)
Subject: Information Request from Ercot.com
Date: Saturday, February 20, 2021 2:42:52 PM

A visitor to the Ercot.com web site has requested information. The details of the request are below:

Name Terri Langford

Company KUT/Texas Standard

Address 300 Dean Keeton
Austin, TX 78712

Email tlangford@kut.org

Phone (713) 876-0854

Fax (713) 876-0854

Delivery Method Electronic

Request Computer logs, any tape or recordings from the Ercot control room on Monday, Jan. 15, 2021 between 1 a.m. and 2 a.m. CST.

From: info@ercot.com
To: [info](#)
Subject: Information Request from Ercot.com
Date: Friday, February 19, 2021 7:40:14 AM

A visitor to the Ercot.com web site has requested information. The details of the request are below:

Name Terri Langford

Company KUT/Texas Standard

Address 300 Dean Keeton
Austin, TX 78712

Email tlangford@kut.org

Phone (713) 876-0854

Fax (713) 876-0854

Delivery Method Electronic

Request Any emails and texts between the staff of the Office of the Texas Governor and ERCOT CEO William Magness, Dan Woodfin OR any member of the ERCOT board and the governor's office. To be clear, you do not have 10 days to respond. You have 10 days to tell me that you believe there's an exemption to this information.

From: info@ercot.com
To: [info](#)
Subject: Information Request from Ercot.com
Date: Friday, February 19, 2021 7:36:41 AM

A visitor to the Ercot.com web site has requested information. The details of the request are below:

Name Terri Langford

Company KUT/Texas Standard

Address 300 Dean Keeton
Austin, TX 78712

Email tlangford@kut.org

Phone (713) 876-0854

Fax (713) 876-0854

Delivery Method Electronic

Request Emails and texts between the following people from Friday, Feb. 12-Tuesday, Feb. 16, 2021: Dan Woodfin William Magness Sally Talberg DeAnn Walker And just so we're clear. You do not have 10 days to respond. You have 10 days to inform me there's an exemption.

From: info@ercot.com
To: [info](#)
Subject: Information Request from Ercot.com
Date: Thursday, February 18, 2021 2:11:49 PM

A visitor to the Ercot.com web site has requested information. The details of the request are below:

Name Bob Sechler

Company Austin American-Statesman

Address 305 S. Congress Ave
Austin, TX 78704

Email bsechler@statesman.com

Phone (512) 656-9020

Delivery Method Electronic

Request Under the Texas Public Information Act, I am requesting the following: 1) The names and addresses of all energy generators and/or distributors that went offline or interrupted operations anytime from Wednesday, Feb. 10, 2021, to Thursday, Feb. 18, 2021. I also am requesting the names of the owners of the generators or distributors, the times they reported going offline or interrupting operations, the times (if any) that they came back online or renewed operations, and the stated reasons for the interruptions of operations. 2) Copies of every ERCOT directive to Austin Energy, Pedernales Electric Cooperative, Bluebonnet Electric Cooperative and the Lower Colorado River Authority to shed load, or to increase power generation, anytime from Wednesday, Feb. 10, 2021, to Thursday, Feb. 18, 2021. 3) Copies of every advisory to the office of the Texas governor, or to the office of the lieutenant governor, anytime from Monday, Feb. 8, 2021, to Thursday, Feb. 18, 2021, regarding the state of the grid and the measures being taken or contemplated to safeguard it.

From: info@ercot.com
To: [info](#)
Subject: Information Request from Ercot.com
Date: Thursday, February 18, 2021 12:53:05 PM

A visitor to the Ercot.com web site has requested information. The details of the request are below:

Name Jaie Avila

Company WOAI-TV News 4

Address 4335 NW Loop 410
San Antonio, TX 78229

Email javila@sbgstv.com

Phone (210) 669-7011

Delivery Method Electronic

Request List of all energy generators that went offline due to weather or other reasons the week of February 14th to 19th, 2021. Please include type of generator (solar, wind, gas, nuclear), name of owner and location, date and time of failure and reasons for going offline.

From: info@ercot.com
To: [info](#)
Subject: Information Request from Ercot.com
Date: Thursday, February 18, 2021 7:47:23 AM

A visitor to the Ercot.com web site has requested information. The details of the request are below:

Name Terri Langford

Company KUT/Texas Standard

Address 300 Dean Keeton
Austin, TX 78712

Email tlangford@kut.org

Phone (713) 876-0854

Fax (713) 876-0854

Delivery Method Electronic

Request A list of every employee including job description and salary.

From: info@ercot.com
To: info
Subject: Information Request from Ercot.com
Date: Monday, February 22, 2021 5:13:35 AM

A visitor to the Ercot.com web site has requested information. The details of the request are below:

Name Larry Shaffer

Company TOSDI

Address 1112 Headless Horseman Rd.
Fort Worth, TX 76114

Email shafferlp@gmail.com

Phone (817) 882-6530

Fax (817) 882-6530

Delivery Method Electronic

Request I am requesting all information, Data, Text messages, formal phone call transcripts made with ; and correspondence made from the Texas Governor's Office and The Texas Legislators made from the following dates: Feb. 13 though Feb.19, 2021. Thank you. RE: Texas PIA and Federal Freedom of Information Act.

From: info@ercot.com
To: info
Subject: Information Request from Ercot.com
Date: Sunday, February 21, 2021 2:34:12 PM

A visitor to the Ercot.com web site has requested information. The details of the request are below:

Name Rhonda Hurst

Company Texas Resident

Address 604 Sellmeyer
Highland Village, TX 75077

Email hydrogirl@verizon.net

Phone (214) 455-1077

Delivery Method Electronic

Request Records Requested: 1. What is the annual salary for every members (as of 2/9/2021) on the ERCOT board? Please provide a detailed list of every member and their associated pay on the ERCOT board from 1/2016 to 2/9/2021. 2. Please provide all meeting agendas, meeting minutes for all meetings where any person on the ERCOT board from 2016 to 2/9/2021 was interviewed, discussed and approved for the board position. The information shall include the individuals complete resume and their unique qualifications for the ERCOT board. 3. Please provide a comprehensive list of all individuals that were recommended for any ERCOT board, committee or group but were not approved to any ERCOT board, committee or group from 2009 to 2/9/2021. 4. Please provide a comprehensive list of every individual that has recommended a person to serve on any ERCOT board, group or committee from 2016 to 2/9/2021. The list shall include their relationship with ERCOT and the PUC, employer, and title of the on the person that made the recommendation and the person that was recommended. 5. Please provide a comprehensive explanation as to what special talent, expertise that each non-Texan on the ERCOT board, committee and/or group member has to prevent a Texas for filling that position from 2009 to 2/9/2021. Including any and all attempts to look for and recruit Texas talent. 6. What is the annual salary that ERCOT board, committee or group members are paid? Please provide a list of every member and their associated pay and any reimbursements (including travel expenses)

from ERCOT from 1/2016 to 2/9/2021. 7. How many people serving on any board, committee, or group for ERCOT are not a Texas resident and of those, how many reside outside the US? Please provide complete lists of all board, group, committee members on that includes state or country of residence and if they are a US citizen from 1/2016 to 2/9/2021. 8. Do the ERCOT board, Committee and Group members have to fill out financial disclosure forms? If so, please provide those records for all members of an ERCOT board, committee or group that were members from 2016 2/9/2021. 9. Who/what governing body approves any and all grants, tax credits and/or loans for solar, wind or other renewable energy source that is produced within the limits of ERCOT's jurisdiction? The list shall include the person/entity that has approved the grant, tax credit and or loan and a detailed list of all the grants, tax credits and/or loans and the recipient of the grant, loan or tax credit. 10. Please provide detailed accounting for all solar, wind and other renewable energy grants, credit and loans that has been provided by any state agency or entity to any producer, retail provider or distributor with in the ERCOT boundaries from 1/2009 to 2/9/2021. 11. What percentage of a Texas residents residential utility bill (Gas and/or electric) is for subsidizing wind and solar? from 1/2009 to 2/9/2021. 12. Who specifically directed and had the final say to make the ERCOT staff to pull off all the Board members bios from the website on 2/17/2021? What was the reason to take down publicly available information? 13. Please provide a comprehensive list of every individual that vetted, reviewed, interviewed and/ approved every single member on the ERCOT board, committee and group from 1/2016 to 2/9/2021. This list shall include the person, employer, title and individual(s) they were part of the review and approval process for the board. 14. Please provide detailed financial audits and approval of said audits of ERCOT records for years 2009-2019. These records shall include specific salaries, payments and reimbursement for every member on the ERCOT board, committee or group for the request years. 15. Please provide a detailed list showing what winterizing measures have been reported to ERCOT and the PUC. This list shall include every entity that is involved in delivering energy to the consumer. This includes producers, retail provider and distributors. 16. Please detail the per unit cost of gas and electric power on 2/12/2021. Please detail the increases to the unit price to gas and electric power that was approved the PUC and/or ERCOT after from 2/12/2021 to 2/18/2021. Please provide a detailed explanation as to the need and justification for the increased costs to gas and electric unit prices, making sure to include why the consider will have to pay for ERCOT's poor management and lack of providing power grid reliability.

From: info@ercot.com
To: [info](#)
Subject: Information Request from Ercot.com
Date: Wednesday, February 17, 2021 2:13:17 PM

A visitor to the Ercot.com web site has requested information. The details of the request are below:

Name Dillon Collier

Company KSAT TV

Address 1408 N. St. Mary's
San Antonio, TX 78215

Email dcollier@ksat.com

Phone (810) 908-3940

Delivery Method Electronic

Request Please provide a copy of all emails sent between ERCOT senior leadership and ERCOT board members from February 1, 2021 to present. Please narrow the request to storm preparedness and storm response emails only. You may withhold any emails that may violate third party rights or may otherwise be considered competitive.

From: info@ercot.com
To: [info](#)
Subject: Information Request from Ercot.com
Date: Wednesday, February 17, 2021 1:51:31 PM

A visitor to the Ercot.com web site has requested information. The details of the request are below:

Name Chris Tomlinson

Company Houston Chronicle

Address 1605 Newning Ave
Austin, TX 78704

Email chris.tomlinson@chron.com

Phone (512) 297-4577

Fax (512) 297-4577

Delivery Method Electronic

Request I would like any documents listing the generation assets, powerplants or power producers that went offline or failed to deliver power as expected between Sunday, Feb. 14 and Wednesday, Feb. 17.

From: info@ercot.com
To: [info](#)
Subject: Information Request from Ercot.com
Date: Saturday, February 20, 2021 6:49:52 PM

A visitor to the Ercot.com web site has requested information. The details of the request are below:

Name Kenneth Stephens

Company Stephens PLLC

Address 2626 South Loop W. Suite 522
Houston, TX 77054

Email kenneth@srapllc.com

Phone (832) 930-0529

Fax (713) 391-8349

Delivery Method Electronic

Request I would like a list of all of the power generator companies that went off line or failed at any time between the dates of February 14, 2021 - February 19, 2021 February to provide.

From: info@ercot.com
To: info
Subject: Information Request from Ercot.com
Date: Tuesday, February 16, 2021 10:41:20 PM

A visitor to the Ercot.com web site has requested information. The details of the request are below:

Name Asher Price

Company Austin American-Statesman

Address 305 S. Congress Ave.
Austin, TX 78704

Email aprice@statesman.com

Phone (512) 417-8200

Delivery Method Electronic

Request Please also send me a list of facilities that have failed winterization examinations in the last five years (including date of failure and name of registered company/owner) as well as a list of facilities that tripped offline during the winter storm between Feb. 12 and Feb. 17.

From: info@ercot.com
To: info
Subject: Information Request from Ercot.com
Date: Tuesday, February 16, 2021 6:43:25 PM

A visitor to the Ercot.com web site has requested information. The details of the request are below:

Name Asher Price

Company Austin American-Statesman

Address 305 S. Congress Ave.
Austin, TX 78704

Email aprice@statesman.com

Phone (512) 417-8200

Delivery Method Electronic

Request Please send me (a) copies of open records requests made by news media organizations to ERCOT from Monday, Feb. 8 through Wednesday, Feb. 17, as well as (b) any responsive information. Please also send me copies of any correspondence regarding outages and the winter storm between Feb. 8 and Feb. 17 between (c) ERCOT officials and officials at the governor's office; (d) ERCOT officials and transmission wholesale companies; and (e) ERCOT officials and the public utility commission.

From: info@ercot.com
To: [info](#)
Subject: Information Request from Ercot.com
Date: Friday, February 19, 2021 6:05:18 AM

A visitor to the Ercot.com web site has requested information. The details of the request are below:

Name John-Michael Speranza

Company John-Michael Speranza

Address 500 E 4th St., #465
Austin, TX 78701

Email john.speranza@me.com

Phone (617) 515-1529

Delivery Method Electronic

Request Status reports or records showing the state of all generation assets within the ERCOT ITC, including which assets were online on 2/11, and subsequently which assets became offline, and at what time, and when those assets returned to service between 3/11 and 3/22.

From: info@ercot.com
To: [info](#)
Subject: Information Request from Ercot.com
Date: Thursday, February 18, 2021 2:03:10 PM

A visitor to the Ercot.com web site has requested information. The details of the request are below:

Name Rachel Adams-Heard

Company Bloomberg

Address 3400 Montrose Blvd, Apt 2300
Houston, TX 77002

Email radamsheard@bloomberg.net

Phone (512) 577-0041

Fax (512) 577-0041

Delivery Method Electronic

Request Hello, I am requesting access to, and copies of, all communication between ERCOT and owners of Texas electricity-generating plants regarding the maintenance and management of the flow of electricity during the winter storm of February 2021. I am further requesting that these records be provided to me on computer files. I am a reporter for Bloomberg News, an accredited and recognized news-gathering organization. I request the Records to inform the public about matters of public concern. Please contact me if I may assist in your office's response to this request. As I am making this request as a journalist and this information is of timely value, I would appreciate your communicating with me by telephone or email, rather than by mail, if you have questions regarding this request. Thank you, Rachel Adams-Heard

From: info@ercot.com
To: [info](#)
Subject: Information Request from Ercot.com
Date: Thursday, February 18, 2021 9:36:29 AM

A visitor to the Ercot.com web site has requested information. The details of the request are below:

Name Brrrian Mshsny

Company angry Texas consumer

Address 276 Highway 16 S Box 205
Bandera, TX 78003

Email bhmahany@gmail.com

Phone (414) 704-6731

Delivery Method Electronic

Request Names and home addresses of the ERCOT board members. It is shameful that their info isn't on the site. My intention is to contact them directly and publish their info so that other consumers can air their grievances as well. (Also, this should not take 10 days for the info requested. I would like to start arranging to visit these folks now.)

From: info@ercot.com
To: info
Subject: Information Request from Ercot.com
Date: Thursday, February 18, 2021 6:24:53 AM

A visitor to the Ercot.com web site has requested information. The details of the request are below:

Name Paul Flahive

Company Texas Public Raido

Address 321 w commerce
San Antonio, TX 78205

Email paulflahive@gmail.com

Phone (210) 542-6574

Delivery Method Electronic

Request I would like copies of all emails and documented conversations between ERCOT staff and ERCOT's governing board and/or The Public Utility Commission from Friday the 12th through Monday the 15th of Feb 2021 regarding the state of the electrical grid. I would also like emails to/from staff to Bill Magness regarding the same. keywords could include but aren't limited to: collapse, status, limited generation. freeze, freezing conditions, efforts to restore Have a good day, Paul

From: info@ercot.com
To: [info](#)
Subject: Information Request from Ercot.com
Date: Wednesday, February 17, 2021 11:44:14 PM

A visitor to the Ercot.com web site has requested information. The details of the request are below:

Name Kristie Rutledge

Company None

Address 1411 Dana Drive
Rockport, TX 78382

Email Kristie_rutledge@hotmail.com

Phone (371) 463-8182

Delivery Method Electronic

Request All records of communications or any form of documentation regarding the City of Rockport, Aransas County Municipal District 1, Town of Fulton, or the County of Aransas between 2/1/2021 and 2/17/2021, including any form of electronic communication or attachment to electronic communication, written correspondence, email, note from telephone call, recording of video conference, report, notification, meeting notice, form, or any other document involving the specified municipalities.

From: info@ercot.com
To: info
Subject: Information Request from Ercot.com
Date: Wednesday, February 17, 2021 7:27:12 PM

A visitor to the Ercot.com web site has requested information. The details of the request are below:

Name Tina Macias

Company KHOU

Address 4411 La Branch St, Apt. 2
Houston, TX 77004

Email tmacias@khou.com

Phone (832) 247-9632

Delivery Method Electronic

Request A list of resources that experienced a "forced outage" as defined in the ERCOT Protocols, at some time during Feb. 13-17, 2021.

From: info@ercot.com
To: [info](#)
Subject: Information Request from Ercot.com
Date: Wednesday, February 17, 2021 12:38:34 PM

A visitor to the Ercot.com web site has requested information. The details of the request are below:

Name William Wade

Company Bloomberg News

Address 731 Lexington Ave
New York, NY 10022

Email wwade4@bloomberg.net

Phone (212) 617-4809

Delivery Method Electronic

Request I am requesting access to, and copies of, all communication between ERCOT and owners of Texas electricity-generating plants regarding the maintenance and management of the flow of electricity during the winter storm of February 2021. I am further requesting that these records be provided to me on computer files. I am a reporter for Bloomberg News, an accredited and recognized news-gathering organization. I request the Records to inform the public about matters of public concern. Please contact me if I may assist in your office's response to this request. As I am making this request as a journalist and this information is of timely value, I would appreciate your communicating with me by telephone or email, rather than by mail, if you have questions regarding this request. Thank you Will Wade

From: info@ercot.com
To: info
Subject: Information Request from Ercot.com
Date: Wednesday, February 17, 2021 7:37:18 AM

A visitor to the Ercot.com web site has requested information. The details of the request are below:

Name Charles Shackleferd

Company Independent

Address 20614 Birch Rain Ct
Katy, TX 77449

Email kchaley711@gmail.com

Phone (281) 202-2002

Delivery Method Electronic

Request Records on all energy contracts sold in the month of February.

From: info@ercot.com
To: [info](#)
Subject: Information Request from Ercot.com
Date: Tuesday, February 16, 2021 2:21:26 PM

A visitor to the Ercot.com web site has requested information. The details of the request are below:

Name	John Hinton
Company	Self
Address	4849 Haverwood Lane Dallas, TX 75287
Email	jhintoniii@gmail.com
Phone	(469) 358-2425
Delivery Method	Electronic
Request	Information deemed Protected Information under Section 1.3 of the Protocols.

From: info@ercot.com
To: [info](#)
Subject: Information Request from Ercot.com
Date: Tuesday, February 16, 2021 10:58:13 AM

A visitor to the Ercot.com web site has requested information. The details of the request are below:

Name Ariel Dulitzky

Company none

Address 810 West Saint Johns Avenue, 1254
Austin, TX 78752

Email ariduli@gmail.com

Phone (512) 529-6520

Fax (512) 529-6520

Delivery Method Electronic

Request Any and all documents, in whatever format, related to the preparation for the winter storm of February 2021. Any and all documents, in whatever format, related to the decision to cut a percentage of the power provided to Austin Energy. Any and all documents, in whatever format, related to all the communications that ERCOT had with Governor Abbot between February 11, 2021 and February 16, 2021.

From: info@ercot.com
To: [info](#)
Subject: Information Request from Ercot.com
Date: Tuesday, February 16, 2021 5:48:55 AM

A visitor to the Ercot.com web site has requested information. The details of the request are below:

Name Dan North

Company Data Reliability

Address 4941 Lockwood dr
Prosper, TX 75078

Email Daniel.b.north1@gmail.com

Phone (817) 313-0334

Delivery Method Electronic

Request FOIA request for the demand and load(excel format with labels) of the 72 hours of operations for events from 2011 ice storm, with a separate data file for the 24 hours leading up to the event. Request the same data for the 72 hours leading up Feb 13, 2021 as well. Also include outlier data points, such as systems differentials either by equipment spec or source (I.e. ~6 more sources for power generation in the form of wind/coal/gas etc) Request transcript for rate application and load/deload for 75078 zip code, or equivalent document outlining when power cycling occurred and rate application. Thank you

From: info@ercot.com
To: [info](#)
Subject: Information Request from Ercot.com
Date: Tuesday, February 16, 2021 1:07:59 AM

A visitor to the Ercot.com web site has requested information. The details of the request are below:

Name Brent Gibson

Company N/A

Address 5306 Ginseng Dr.
Baytown, TX 77521

Email BrentGibson19@yahoo.com

Phone (409) 201-5057

Delivery Method Electronic

Request Correspondence, be it electronic or physical, concerning the winter storm of 02/15/2021 to present and how preparations were planned and carried out. This would also include any external sources that may have assisted in a advisor capacity.

From: info@ercot.com
To: [info](#)
Subject: Information Request from Ercot.com
Date: Monday, February 15, 2021 9:13:28 PM

A visitor to the Ercot.com web site has requested information. The details of the request are below:

Name Chesley Garrett

Company Baker Hughes

Address 112 Hooser Rd.
Big Spring , TX 79720

Email Chesley.garrett@bakerhughes.com

Phone (432) 210-5332

Delivery Method Phone

Request Why is the 212Mw power plant in Big Spring owned by Berkshire Hathaway not operating? It dose not seem we are utilizing all available power sources. In this area, there are residents that have not had power or heat in more than 24 hrs. I'm certain there is good reason for this, but I do not have the answer to those who have ask me. It only seems practical to get as much power on the grid as possible during this unprecedented cold front

From: [Langford, Terri L](#)
To: [info](#)
Subject: RE: Information Request from Ercot.com
Date: Tuesday, February 23, 2021 2:28:47 PM
Attachments: [image003.jpg](#)
[image001.png](#)

******* EXTERNAL email. Please be cautious and evaluate before you click on links, open attachments, or provide credentials. *******

Is there a particular reason you can point to for the delay. Again, you have 10 days to decide whether you believe now there's an exemption involved that requires going to the AG in 10 days, not 10 days to respond overall.

Just because ERCOT got a lot of requests --- most state agencies with multimillion budgets do --- is not a reason for a delay because adhering to the PIA, a state law, is part of everyday business.

30 days response time for things as simple as salary, position and budget items is unreasonable. That is information you have on hand now. Unless you can point to an exemption today, there is no reason for that to take 30 days to respond.

Terri Langford
Editor/Producer
Texas Standard/KUT
300 W. Dean Keeton St.
Austin, Texas, 78712
texasstandard.org
O: 512.471.2091
C: 713.876.0854
@tlangford



From: info <i@ercot.com>
Sent: Tuesday, February 23, 2021 1:58 PM
To: Langford, Terri L <tlangford@kut.org>
Subject: RE: Information Request from Ercot.com

Dear Ms. Langford,

ERCOT acknowledges receipt of your request. ERCOT's response to your request will be delayed

beyond the usual 10 business day period. ERCOT has received an inordinately large number of requests related to the [energy emergency](#) and is working to address them. At this time, it is difficult to determine the time frame by which responsive information may be made available but ERCOT is currently estimating that responsive materials may be provided within 30 days.

Once ERCOT is able to research your information request further, we will provide you with an update. When ERCOT is able to follow up with you regarding the details of your request, ERCOT will work to provide you with a more specific date by which materials may be provided. All information requests are subject to the limitations contained in ERCOT's information request policy located on the [Information Request](#) page of the ERCOT website.

Thank you for contacting ERCOT.

Let us know if we can be of further assistance.

Sincerely,



Information Request Services
ERCOT Client Services
2705 West Lake Drive | Taylor, TX
www.ercot.com

From: info@ercot.com [<mailto:info@ercot.com>]

Sent: Saturday, February 20, 2021 02:43 PM

To: info <j@ercot.com>

Subject: Information Request from Ercot.com

A visitor to the Ercot.com web site has requested information. The details of the request are below:

Name Terri Langford

Company KUT/Texas Standard

Address 300 Dean Keeton
Austin, TX 78712

Email tlangford@kut.org

Phone (713) 876-0854

Fax (713) 876-0854

Delivery Electronic

Method

Request Computer logs, any tape or recordings from the Ercot control room on Monday, Jan. 15, 2021 between 1 a.m. and 2 a.m. CST.