

CHAPTER 25. SUBSTANTIVE RULES APPLICABLE TO ELECTRIC SERVICE PROVIDERS.

Subchapter C. INFRASTRUCTURE AND RELIABILITY.

§25.55. Weather Emergency Preparedness.

- (a) **Application.** This section applies to the Electric Reliability Council of Texas, Inc. (ERCOT) and to generation entities and transmission service providers (TSPs) in the ERCOT power region. A generation resource with an ERCOT-approved notice of suspension of operations for the 2021-2022 winter weather season is not required to be in compliance under this section until it is returned to service.
- (b) **Definitions.** In this section, the following definitions apply unless the context indicates otherwise.
- (1) **Cold weather critical component** – Any component that is susceptible to freezing or icing, the occurrence of which is likely to significantly hinder the ability of a resource or transmission system to function as intended and, for a generation entity, to lead to a trip, derate, or failure to start of a resource. For a TSP, cold weather critical component is limited to any transmission-voltage component within the fence surrounding a TSP’s high-voltage switching station or substation.
 - (2) **Energy storage resource** – An energy storage system registered with ERCOT for the purpose of providing energy or ancillary services to the ERCOT grid and associated facilities controlled by the generation entity that are behind the system’s point of interconnection, necessary for the operation of the system, and not part of a manufacturing process that is separate from the generation of electricity.
 - (3) **Generation entity** - An ERCOT-registered resource entity acting on behalf of an ERCOT-registered resource or energy storage resource.
 - (4) **Generation resource** – A generator capable of providing energy or ancillary services to the ERCOT grid and that is registered with ERCOT as a generation resource, as well as associated facilities controlled by the generation entity that are behind the generator’s point of interconnection, necessary for the operation of the generator, and not part of a manufacturing process that is separate from the generation of electricity.
 - (5) **Inspection** –Activities that ERCOT engages in to determine whether a generation entity is in compliance with all or parts of subsection (c)(1) of this section or whether a TSP is in compliance with all or parts of subsection (f)(1) of this section. An inspection may include site visits; assessments of procedures; interviews; and review of information provided by a generation entity or TSP in response to a request by ERCOT, including review of evaluations conducted by the generation entity or TSP or its contractor.
 - (6) **Resource** - A generation resource or energy storage resource.
 - (7) **Weather emergency** – A situation resulting from weather conditions that produces significant risk for a TSP that firm load must be shed or a situation for which ERCOT provides advance notice to market participants involving weather-related risks to the ERCOT power region.
 - (8) **Weather emergency preparation measures** – Measures that a generation entity or TSP takes to support the function of a facility during a weather emergency.
- (c) **Weather emergency preparedness reliability standards for a generation entity.**
- (1) By December 1, 2021, a generation entity must complete the following winter weather emergency preparation measures for each resource under its control.
 - (A) Use best efforts to implement weather emergency preparation measures intended to ensure the sustained operation of all cold weather critical components during winter weather conditions, including weatherization, onsite fuel security, staffing plans, operational readiness, and structural preparations; secure sufficient chemicals, auxiliary fuels, and other materials; and personnel required to operate the resource;
 - (B) Install adequate wind breaks for resources susceptible to outages or derates caused by wind; enclose sensors for cold weather critical components; inspect thermal insulation for damage or degradation and repair damaged or degraded insulation; confirm the operability of instrument air moisture prevention systems; conduct maintenance of freeze protection components for all applicable equipment, including fuel delivery systems controlled by the generation entity, the failure of which could cause an outage or derate, and establish a schedule for testing of such freeze protection components on a monthly basis from November through March; and install monitoring systems for cold weather critical

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- components, including circuitry providing freeze protection or preventing instrument air moisture;
- (C) Use best efforts to address cold weather critical component failures that occurred because of winter weather conditions in the period between November 30, 2020, and March 1, 2021;
 - (D) Provide training on winter weather preparations and operations to relevant operational personnel; and
 - (E) Determine minimum design temperature or minimum experienced operating temperature, and other operating limitations based on temperature, precipitation, humidity, wind speed, and wind direction.
- (2) By December 1, 2021, a generation entity must submit to the commission and ERCOT, on a form prescribed by ERCOT and developed in consultation with commission staff, a winter weather readiness report that:
- (A) Describes all activities engaged in by the generation entity to complete the requirements of paragraph (1) of this subsection, including any assertions of good cause for noncompliance submitted under paragraph (6) of this subsection; and
 - (B) Includes a notarized attestation sworn to by the generation entity's highest-ranking representative, official, or officer with binding authority over the generation entity attesting to the completion of all activities described in paragraph (1) of this subsection, subject to any notice of or request for good cause exception submitted under paragraph (6) of this subsection, and to the accuracy and veracity of the information described in subparagraph (A) of this paragraph.
- (3) No later than December 10, 2021, ERCOT must file with the commission comprehensive checklist forms based on the requirements of paragraph (1) of this subsection that include checking systems and subsystems containing cold weather critical components. ERCOT must use a generation entity's winter weather readiness report submitted under paragraph (2) of this subsection to adapt the checklist to the inspections of the generation entity's resources.
- (4) No later than December 10, 2021, ERCOT must file with the commission a compliance report that addresses whether each generation entity has submitted the winter weather readiness report required by paragraph (2) of this subsection for each resource under the generation entity's control and whether the generation entity submitted an assertion of good cause for noncompliance under paragraph (6) of this subsection.
- (5) A generation entity that timely submits to ERCOT the winter weather readiness report required by paragraph (2) of this subsection is exempt, for the 2021 calendar year, from the requirement in Section 3.21(3) of the ERCOT Protocols that requires a generation entity to submit the Declaration of Completion of Generation Resource Winter Weatherization Preparations no earlier than November 1 and no later than December 1 of each year.
- (6) Good cause exception. A generation entity may submit by December 1, 2021 a notice to the commission asserting good cause for noncompliance with specific requirements listed in paragraph (1) of this subsection. The notice must be submitted as part of the generation entity's winter readiness report under paragraph (2) of this subsection.
- (A) A generation entity's notice must include:
 - (i) A succinct explanation and supporting documentation of the generation entity's inability to comply with a specific requirement of paragraph (1) of this subsection;
 - (ii) A succinct description and supporting documentation of the generation entity's efforts that have been made to comply with the paragraph (1) of this subsection;
 - (iii) A plan, with supporting documentation, to comply with each specific requirement of paragraph (1) of this subsection for which good cause is being asserted, unless good cause exists not to comply with the requirement on a permanent basis. A plan under this subparagraph must include a proposed compliance deadline for each requirement of paragraph (1) of this subsection for which the good cause for noncompliance is being asserted and proposed filing deadlines for the generation entity to provide the commission with updates on its compliance status.

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- (B) Commission staff will work with ERCOT to expeditiously review notices asserting good cause for noncompliance. Commission staff may notify a generation entity that it disagrees with the generation entity's assertion of good cause and will file the notification in the project in which the winter weather readiness reports are filed. In addition, ERCOT may evaluate the generation entity's assertion of good cause as part of an inspection of the generation entity's resources.
 - (C) To preserve a good cause exception, a generation entity must submit to the commission a request for approval of a good cause exception within seven days of receipt of commission staff's notice of disagreement with the generation entity's assertion.
 - (D) The commission may order a generation entity to submit a request for approval of good cause exception.
 - (E) A request for approval of good cause exception must contain the following:
 - (i) A detailed explanation and supporting documentation of the inability of the generation entity to comply with a specific requirement of paragraph (1) of this subsection;
 - (ii) A detailed description and supporting documentation of the efforts that have been made to comply with paragraph (1) of this subsection;
 - (iii) A plan, with supporting documentation, to comply with each specific requirement of paragraph (1) of this subsection for which the good cause exception is being requested, unless the generation entity is seeking a permanent exception to the requirement. A plan under this subparagraph must include a proposed compliance deadline for each requirement of paragraph (1) of this subsection for which the good cause exception is being requested and proposed filing deadlines for the generation entity to provide the commission with updates on its compliance status.
 - (iv) Proof that notice of the request has been provided to ERCOT; and
 - (v) A notarized attestation sworn to by the generation entity's highest-ranking representative, official, or officer with binding authority over the generation entity attesting to the accuracy and veracity of the information in the request.
 - (F) ERCOT is a required party in a proceeding initiated under subparagraph (E) of this paragraph. ERCOT must make a recommendation to the commission on the request by the deadline set forth by the presiding officer in the proceeding.
- (d) **ERCOT inspection of generation resources.**
- (1) ERCOT-conducted inspections. ERCOT must conduct inspections of resources for the 2021–2022 winter weather season and must prioritize its inspection schedule based on risk level. ERCOT may prioritize inspections based on factors such as whether a generation resource is critical for electric grid reliability; has experienced a forced outage, forced derate, or failure to start related to weather emergency conditions; or has other vulnerabilities related to weather emergency conditions. ERCOT must determine, in consultation with commission staff, the number, extent, and content of inspections and may conduct inspections using both employees and contractors.
 - (A) ERCOT must provide each generation entity at least 48 hours' notice of an inspection unless otherwise agreed by the generation entity and ERCOT. Upon provision of the required notice, a generation entity must grant access to its facility to ERCOT and commission personnel, including an employee of a contractor designated by ERCOT or the commission to conduct, oversee, or observe the inspection.
 - (B) During the inspection, a generation entity must provide ERCOT and commission personnel access to any part of the facility upon request and must make the generation entity's staff available to answer questions. A generation entity may escort ERCOT and commission personnel at all times during an inspection. During the inspection, ERCOT or commission personnel may take photographs and video recordings of any part of the facility and may conduct interviews of facility personnel designated by the generation entity.
 - (2) ERCOT inspection report.

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- (A) ERCOT must provide a report on its inspection of a resource to the generation entity. The inspection report must address whether the generation entity has complied with the requirements in subsection (c)(1) of this section.
 - (B) If the generation entity has not complied with a requirement in subsection (c)(1) of this section, ERCOT must provide the generation entity a reasonable period to cure the identified deficiencies.
 - (i) The cure period determined by ERCOT must consider what weather emergency preparation measures the generation entity may be reasonably expected to have taken before ERCOT's inspection, the reliability risk of the resource's noncompliance, and the complexity of the measures needed to cure the deficiency.
 - (ii) The generation entity may request ERCOT determine a different amount of time to remedy the deficiencies. The request must be accompanied by documentation that supports the request for a different amount of time.
 - (iii) ERCOT, in consultation with commission staff, will determine the final cure period after considering a request for a different amount of time.
 - (C) ERCOT must report to commission staff any generation entity that does not remedy the deficiencies identified under subparagraph (A) of this paragraph within the cure period determined by ERCOT under subparagraph (B)(iii) of this paragraph.
 - (D) A generation entity reported by ERCOT to commission staff under subparagraph (C) of this paragraph will be subject to enforcement investigation under §22.246 (relating to Administrative Penalties) of this title.
- (e) **Weather-related failures by a generation entity to provide service.** A generation entity with a resource that experiences repeated or major weather-related forced interruptions of service, such as forced outages, derates, or maintenance-related outages must contract with a qualified professional engineer to assess its weather emergency preparation measures, plans, procedures, and operations. The qualified professional engineer must not be an employee of the generation entity or its affiliate and must not have participated in previous assessments for the resource for at least five years, unless the generation entity can document that no other qualified professional engineers are reasonably available for engagement. The generation entity must submit the qualified professional engineer's assessment to the commission and ERCOT. ERCOT must adopt rules that specify the circumstances for which this requirement applies and specify the scope and contents of the assessment. A generation entity to which this subsection applies may be subject to additional inspections by ERCOT. ERCOT must refer to commission staff for investigation any generation entity that violates this rule.
- (f) **Weather emergency preparedness reliability standards for a TSP.**
- (1) By December 1, 2021, a TSP must complete the following winter weather preparations for its transmission system and facilities.
 - (A) Use best efforts to implement weather emergency preparation measures intended to ensure the sustained operation of all cold weather critical components during winter weather conditions, including weatherization, staffing plans, operational readiness, and structural preparations; secure sufficient chemicals, auxiliary fuels, and other materials; and personnel required to operate the transmission system and facilities;
 - (B) Confirm the ability of all systems and subsystems containing cold weather critical components required to ensure operation of each of the TSP's substations within the design and operating limitations addressed in subparagraph (G) of this paragraph;
 - (C) Use best efforts to address cold weather critical component failures that occurred because of winter weather conditions in the period between November 30, 2020 and March 1, 2021;
 - (D) Provide training on winter weather preparations and operations to relevant operational personnel;
 - (E) Confirm that the sulfur hexafluoride gas in breakers and metering and other electrical equipment is at the correct pressure and temperature to operate safely during winter

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- weather emergencies, and perform annual maintenance that tests sulfur hexafluoride breaker heaters and supporting circuitry to assure that they are functional;
- (F) Confirm the operability of power transformers and auto transformers in winter weather emergencies by:
 - (i) Checking heaters in the control cabinets;
 - (ii) Verifying that main tank oil levels are appropriate for actual oil temperature;
 - (iii) Checking bushing oil levels; and
 - (iv) Checking the nitrogen pressure, if necessary.
 - (G) Determine minimum design temperature or minimum experienced operating temperature, and other operating limitations based on temperature, precipitation, humidity, wind speed, and wind direction for facilities containing cold weather critical components.
- (2) By December 1, 2021, a TSP must submit to the commission and ERCOT, on a form prescribed by ERCOT and developed in consultation with commission staff, a winter weather readiness report that:
- (A) Describes all activities engaged in by the TSP to complete the requirements of paragraph (1) of this subsection, including any assertions of good cause for noncompliance submitted under paragraph (4) of this subsection; and
 - (B) Includes a notarized attestation sworn to by the TSP's highest-ranking representative, official, or officer with binding authority over the TSP, attesting to the completion of all activities described in paragraph (1) of this subsection, subject to any notice of or request for good cause exception submitted under paragraph (4) of this subsection, and to the accuracy and veracity of the information described in subparagraph (A) of this paragraph.
- (3) No later than December 10, 2021, ERCOT must file with the commission a compliance report that addresses whether each TSP has submitted the winter weather readiness report required by paragraph (2) of this subsection for its transmission system and facilities and whether the TSP submitted an assertion of good cause for noncompliance under paragraph (4) of this subsection.
- (4) Good cause exception. A TSP may submit to the commission by December 1, 2021 a notice asserting good cause for noncompliance with specific requirements listed in paragraph (1) of this subsection. The notice must be submitted as part of the TSP's winter weather readiness report under paragraph (2) of this subsection.
- (A) A TSP's notice must include:
 - (i) A succinct explanation and supporting documentation of the TSP's inability to comply with a specific requirement of paragraph (1) of this subsection;
 - (ii) A succinct description and supporting documentation of the efforts that have been made to comply with the requirement; and
 - (iii) A plan, with supporting documentation, to comply with each specific requirement of paragraph (1) of this subsection for which good cause is being asserted, unless good cause exists not to comply with the requirement on a permanent basis. A plan under this subparagraph must include a proposed compliance deadline for each requirement of paragraph (1) of this subsection for which good cause for noncompliance is being asserted and proposed filing deadlines for the TSP to provide the commission with updates on the TSP's compliance status.
 - (B) Commission staff will work with ERCOT to expeditiously review notices asserting good cause for noncompliance. Commission staff may notify a TSP that it disagrees with the TSP's assertion of good cause and will file the notification in the project in which the winter weather readiness reports are filed. In addition, ERCOT may evaluate the TSP's assertion of good cause as part of an inspection of the transmission facility.
 - (C) To preserve a good cause exception, a TSP must submit to the commission a request for approval of a good cause exception within seven days of receipt of commission staff's notice of staff's disagreement with the TSP's assertion.
 - (D) The commission may order a TSP to submit a request for approval of good cause exception.
 - (E) A request for approval of good cause exception must contain the following:
 - (i) A detailed explanation and supporting documentation of the inability of the TSP to comply with the specific requirement of paragraph (1) of this subsection;

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- (ii) A detailed description and supporting documentation of the efforts that have been made to comply with paragraph (1) of this subsection;
 - (iii) A plan, with supporting documentation, to comply with each specific requirement of paragraph (1) of this subsection for which the good cause exception is being requested, unless the TSP is seeking a permanent exception to the requirement. A plan under this subparagraph must include a proposed compliance deadline for each requirement of paragraph (1) of this subsection for which the good cause exception is being requested and proposed filing deadlines for the TSP to provide the commission with updates on its compliance status.
 - (iv) Proof that notice of the request has been provided to ERCOT; and
 - (v) A notarized attestation sworn to by the TSP's highest-ranking representative, official, or officer with binding authority over the TSP attesting to the accuracy and veracity of the information in the request.
 - (F) ERCOT is a required party to the proceeding under subparagraph (E) of this paragraph. ERCOT must make a recommendation to the commission on the request by the deadline set forth by the presiding officer in the proceeding.
- (g) **ERCOT inspections of transmission systems and facilities.**
- (1) ERCOT-conducted inspections. ERCOT must conduct inspections of transmission facilities within the fence surrounding a TSP's high-voltage switching station or substation for the 2021–2022 winter weather season and must prioritize its inspection schedule based on risk level. ERCOT may prioritize inspections based on factors such as whether a transmission facility is critical for electric grid reliability; has experienced a forced outage or other failure related to weather emergency conditions; or has other vulnerabilities related to weather emergency conditions. ERCOT must determine, in consultation with commission staff, the number, extent, and content of inspections and may conduct inspections using both employees and contractors.
 - (A) ERCOT must provide each TSP at least 48 hours' notice of an inspection unless otherwise agreed by the TSP and ERCOT. Upon provision of the required notice, a TSP must grant access to its facility to ERCOT and commission personnel, including an employee of a contractor designated by ERCOT or the commission to conduct, oversee, or observe the inspection.
 - (B) During the inspection, a TSP must provide ERCOT and commission personnel access to any part of the facility upon request and must make the TSP's staff available to answer questions. A TSP may escort ERCOT and commission personnel at all times during an inspection. During the inspection, ERCOT and commission personnel may take photographs and video recordings of any part of the facility and may conduct interviews of facility personnel designated by the TSP.
 - (2) ERCOT inspection report.
 - (A) ERCOT must provide a report on its inspection of a transmission system or facility to the TSP. The inspection report must address whether the TSP has complied with the requirements in subsection (f)(1) of this section.
 - (B) If the TSP has not complied with a requirement in subsection (f)(1) of this section, ERCOT must provide the TSP a reasonable period to cure the identified deficiencies.
 - (i) The cure period determined by ERCOT must consider what weather emergency preparation measures the TSP may be reasonably expected to have taken before ERCOT's inspection, the reliability risk of the TSP's noncompliance, and the complexity of the measures needed to cure the deficiency.
 - (ii) The TSP may request ERCOT determine a different amount of time to remedy the deficiencies. The request must be accompanied by documentation that supports the request for a different amount of time.
 - (iii) ERCOT, in consultation with commission staff, will determine the final cure period after considering a request for a different amount of time.

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- (C) ERCOT must report to commission staff any TSP that does not remedy the deficiencies identified under subparagraph (A) of this paragraph within the cure period determined by ERCOT under subparagraph (B)(iii) of this paragraph.
 - (D) A TSP reported by ERCOT to commission staff under subparagraph (C) of this paragraph will be subject to enforcement investigation under §22.246 (relating to Administrative Penalties) of this title.
- (h) **Weather-related failures by a TSP to provide service.** A TSP with a transmission system or facility that experiences repeated or major weather-related forced interruptions of service must contract with a qualified professional engineer to assess its weather emergency preparation measures, plans, procedures, and operations. The qualified professional engineer must not be an employee of the TSP or its affiliate and must not have participated in previous assessments for this system or facility for at least five years, unless the TSP can document that no other qualified professional engineers are reasonably available for engagement. The TSP must submit the qualified professional engineer's assessment to the commission and ERCOT. ERCOT must adopt rules that specify the circumstances for which this requirement applies and specify the scope and contents of the assessment. A TSP to which this subsection applies may be subject to additional inspections by ERCOT. ERCOT must refer to commission staff for investigation any TSP that violates this rule.