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**RULEMAKING TO ESTABLISH
LARGE LOAD FORECASTING
CRITERIA UNDER PURA §37.0561**

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**PUBLIC UTILITY COMMISSION

OF TEXAS**

COMMENTS OF THE TEXAS ENERGY BUYERS ALLIANCE

I. INTRODUCTION

The Texas Energy Buyers Alliance (TEBA) represents the collective voice of more than 280 companies, representing some of the state’s largest employers and energy customers. In total, TEBA members represent more than \$33 trillion in market capitalization and hundreds of thousands of employees in Texas. Our members — from hyperscalers, advanced manufacturers, and major retailers to agricultural and heavy industries — are among the state’s largest electricity consumers. Our business association is focused on helping to shape Texas’ electricity market in ways that propel Texas’ economy forward, lower power bills for all energy customers, create jobs, spur innovation, strengthen the ERCOT grid, and extend Texas’ energy leadership through the energy transition and for generations to come. TEBA respectfully submits these responses to questions posed by Commission staff on public comment on September 12, 2025.

II. RESPONSES TO PROPOSAL FOR PUBLICATION

TEBA appreciates the opportunity to provide comments in response to the Proposal for Publication for Project No. 58480. We respectfully submit the following general feedback for consideration by the Public Utility Commission of Texas as it finalizes this rulemaking. TEBA’s comments and proposed redlines will be discussed following the same organization as that of the proposed rule.

Proposed Rule §25.370(b)

Proposed Rule §25.370(b) subsection (1) defines the minimum as a load greater than or equal to 25 megawatts (MW). We believe this threshold is too low, and this should instead be set at 75 MW. ERCOT has consistently applied a 75 MW threshold for defining large loads under both its Interim Large Load Interconnection process and in NPRR 1234. Maintaining this established definition will ensure consistency between ERCOT protocols and Commission rules, reducing confusion and avoiding unnecessary work. Lowering the threshold to 25 MW would significantly expand the number of projects subject to the large load interconnection framework, introducing unnecessary complexity and diverting resources from the approval of large, system-impacting loads.

Proposed Redlines to §25.370(b)(1)

(b) **Definitions.** The following words and terms, when used in this section, have the following meanings unless the context indicates otherwise.

(1) Large load customer — An entity seeking interconnection of one or more facilities at a single site with an aggregate new load or load addition greater than or equal to ~~25~~75 megawatts (MW) behind one or more common points of interconnection (POI) or service delivery points.

Proposed Rule §25.370(c)

Proposed Rule §25.370(c) does not explicitly include regional planning group (RPG) studies into the transmission planning. TEBA recommends that the Commission consider incorporating previously approved large load requests that require transmission upgrades but have

not yet posted their security. Under this approach, a large load would only be included in the RPG forecast once it has both posted the required security and demonstrated site control. This structure would help filter out speculative projects and ensure that only committed loads are reflected in ERCOT's transmission planning forecasts. RPG studies are the mechanism for incorporating large loads into transmission planning, and most RPG reports for large loads have not yet been initiated. This requirement will significantly assist in the RPG process.

Additionally, TEBA recommends that §25.370(c)(3) include a sub-bullet stating that a portion of the \$100,000 study fee should be given to ERCOT to offset costs. Providing ERCOT with dedicated funding will increase its bandwidth to assess and approve the abundance of capacity currently in the queue in an efficient manner.

TEBA also believes that paragraphs 6 and 7 of the proposed rule exceed the intent of Senate Bill 6. Requiring a Transmission/Distribution Service Provider (TDSP) to submit an attestation goes beyond the statutory requirements and could impose an unnecessary administrative burden, creating barriers for legitimate large loads seeking to interconnect.

Proposed Redlines to §25.370(c)

- (c) **Criteria for Inclusion in ERCOT load forecast.** A large load customer's forecasted demand must not be included in an ERCOT load forecast used for transmission planning, including regional planning group (RPG) plans, or resource adequacy unless the large load customer executed and securitized an interconnection agreement or meets the following criteria:

Proposed Redlines to §25.370(c)(3)

- (3) paid a study fee to the TDSP that is the greater of \$100,000 or an

amount that is set by the applicable commission rule for large load interconnection standards;

(A) the TDSP must distribute study fee dollars to ERCOT upon request.

Proposed Redlines to §25.370(c)(6)-(7)

- ~~(6) submitted an attestation to the TDSP that attests significant, verifiable progress toward completion of site-related studies and engineering services required for project development before energization (e.g., water, wastewater, or gas); and~~
- ~~(7) submitted an attestation to the TDSP that attests significant, verifiable progress toward obtaining state and local regulatory approvals required for project development before energization (e.g., water, air, or backup generation permits, or city or county building permits).~~

Proposed Rule §25.370(e)

This rule authorizes ERCOT and Commission staff to “validate” load data provided by TDSPs and to exclude any data deemed invalid from the load forecast. The rule does not define what constitutes a valid submission or outline the process for validation, creating substantial uncertainty for market participants. Once a load has met all statutory requirements of Senate Bill 6, including submitting all necessary information and capital, it should be presumed valid for inclusion in ERCOT’s load forecast — especially for transmission planning. Adding this additional validation step is unnecessary and introduces risk and further delays for projects that have met all legal requirements.

Excluding a load that has met all Senate Bill 6 requirements could lead to inaccurate transmission planning and misrepresentation of future demand. For these reasons, this subsection should be removed from the rulemaking.

However, to the extent that the Commission determines to not delete paragraphs (1) and (2), TEBA proposes that instead of data that cannot be validated “must” be excluded from the load forecast, it be changed to “may” be excluded. There is no description of what validation is, how it will be done, or how transparently it will be done. Therefore, an insistence that it “must” be excluded leaves undefined discretion that creates uncertainty. Thus, in the alternative to striking both paragraphs, TEBA pleads that the “must” be changed to “may.”

Proposed Redlines to §25.370(e)(1)-(3)

(e) ERCOT forecast. Using the load data provided by TDSPs under subsection (d) of this section, ERCOT must develop load forecasts for the ERCOT region.

~~(1) — Validation of load data. ERCOT and commission staff may access information collected by a TDSP to ensure compliance with this section and validate load data submitted by a TDSP. If load data submitted by a TDSP cannot be validated, the data must be excluded from the load forecast developed by ERCOT.~~

~~(2) — Adjustments to load data. ERCOT, in consultation with commission staff, may make adjustments to the load data provided by a TDSP under this section based on actual historical realization rates or other objective, credible, independent information. ERCOT must provide the TDSP with the data and calculations used to adjust the forecasted load.~~

~~(3)~~ Use of load forecasts. ERCOT’s load forecasts must use the load data

provided by TDSPs ~~under~~ that meet the requirements of this section in its transmission planning and resource adequacy. No adjustments may be made without the approval of stakeholders. However, ERCOT may provide additional information or analysis of load forecasts based on its own evaluation.

III. CONCLUSION

TEBA appreciates the opportunity to submit these comments and looks forward to continuing to work with Commission staff on this matter.

Respectfully submitted,

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EXECUTIVE SUMMARY OF TEXAS ENERGY BUYERS ALLIANCE

- TEBA opposes the proposed 25 MW threshold for large load classification and recommends that it be raised to 75 MW, consistent with ERCOT legislation.
- TEBA recommends that the Commission apply the financial requirements to large loads previously approved through RPG to assist in further filtering speculative loads.
- TEBA recommends that a portion of the study fee be allocated directly to ERCOT to ensure it has sufficient resources to execute its responsibilities within the planning study process in an efficient and timely manner.
- TEBA believes that §25.370(c)(6) and (7) exceed the original intent of Senate Bill 6 by imposing unnecessary and burdensome attestations related to project development and regulatory approvals. These provisions risk discouraging legitimate projects from proceeding toward interconnection.
- TEBA opposes granting ERCOT and Commission staff the authority to “validate” load data, as outlined in the Proposal for Publication, as the validation process lacks defined procedures. If an applicant meets all legal and financial Senate Bill 6 requirements, it should not be subject to an additional review step.
- TEBA emphasizes the importance of aligning all rulemakings related to Senate Bill 6 to ensure regulatory consistency, avoid duplicative legal or financial requirements, and streamline the interconnection process.