

INSTRUCTIONS TO REGISTRATION FORM FOR POWER GENERATION COMPANIES AND SELF-GENERATORS

GENERAL INSTRUCTIONS – APPLICABLE TO ALL REGISTERING PARTIES

Who must register?

A person that owns an electric generating facility in Texas and is either a power generation company (PGC), as defined in the Public Utility Regulatory Act (PURA) § 31.002(10) or a qualifying facility (QF), as defined in PURA § 31.002(14), and generates electricity intended to be sold at wholesale, must register as a PGC.

A person that owns an electric generating facility rated at one megawatt (MW) or more, but is not a PGC, must register as a self-generator. A QF that does not sell electricity or provides electricity only to the purchaser of the facility's thermal output must register as a self-generator.

When should you register?

A person that owned such generating facility prior to September 1, 2000 shall register after September 1, 2000 and before January 1, 2001. A person that becomes subject to this section after September 1, 2000 must register on or before the first date of generating electricity.

Definitions

- **Generating facility** – All generating units located at, or providing power to the electricity-consuming equipment at an entire facility or location.
- **Nameplate rating** – The full-load continuous rating of a generator under specified conditions as designated by the manufacturer.
- **Net dependable capability** – The maximum load in megawatts, net of station use, which a generating unit or generating station can carry under specified conditions for a given period of time, without exceeding approved limits of temperature and stress.
- **Person** – “Person” includes an individual, a partnership of two or more persons having a joint or common interest, a mutual or cooperative association, and a corporation, but does not include an electric cooperative.
- **Power Generation Company** – A person that: (1) generates electricity that is intended to be sold at wholesale; (2) does not own a transmission or distribution facility in this state other than an essential interconnecting facility, a facility not dedicated to public use, or a facility otherwise excluded from the definition of “electric utility” in PURA § 31.002(6); and (3) does not have a certificated service area, although its affiliated electric utility or transmission and distribution utility may have a certificated service area.
- **Qualifying Facility** – A qualifying cogenerator or qualifying small power producer.

Capacity ratings

The capacity of generating units shall be measured for purposes of registration as follows:

- Renewable resource generating units shall be rated at the nameplate rating;
- All other generating units having a nameplate rating of ten MW or less shall be rated at the nameplate rating; and
- All other generating units having a nameplate rating greater than ten MW shall be rated at the summer net dependable capability. Self-generation units that are not required to calculate net dependable capability by the reliability council in which they operate or by the independent organization for the power region in which they operate shall be rated at the nameplate rating.

Registration procedures

Registration shall be made by completing the form approved by the commission, which shall be verified by oath or affirmation and signed by an owner, partner, or officer of the registering party. Registration forms may be obtained from the Central Records division of the Public Utility Commission of Texas. Registration form may be obtained from the Commission's Central Records Division or downloaded from the Commission website at <http://www.puc.state.tx.us> so that information may be inserted electronically to expand the reply spaces as necessary. Subject to the Commission's Procedural Rules, the completed registration form should be filed with the Public Utility Commission of Texas, Attention: Filing Clerk, Public Utility Commission of Texas, 1701 N. Congress Avenue, P.O. Box 13326, Austin, Texas, 78711-3326. Submit 7 copies, including the original.

The commission staff shall review the submitted form for completeness. Within 15 business days of receipt of an incomplete form, the commission staff shall notify the registering party in writing of the deficiencies in the request. The registering party shall have ten business days from the issuance of the notification to cure the deficiencies. If the deficiencies are not cured within ten business days, the staff will notify the registering party that the registration request is rejected without prejudice.

The registering party may designate answers or documents that it believes to contain proprietary or confidential information. Information designated as proprietary or confidential will be treated in accordance with the standard protective order issued by the commission applicable to registration information for PGCs and self-generators.

PART A – APPLICABLE TO ALL REGISTERING PARTIES

Provide the information requested in Attachment A, using one row of the table for each generating facility. Total Capacity consists of the sum of the capacity ratings of all units located at the generating facility. Utility Service Area refers to the name of the utility that serves the area in which the generating facility is located. Control Area refers to the name of the utility or other entity that is responsible for scheduling interchanges and maintaining frequencies of the transmission system in the area in which the

generating facility is located. Power Region refers to the region of the North American Electrical Reliability Council in which the generating facility is located.

PART B – APPLICABLE TO REGISTRATION OF SELF-GENERATORS

Post-registration requirements for self-generators

Self-generators shall report any material change during the preceding year in the information provided on the registration form by February 28 of each year.

PART C – APPLICABLE TO REGISTRATION OF POWER GENERATION COMPANIES

Supplemental Information

For any application filed with the Federal Energy Regulatory Commission (FERC) after July 12, 2000, the registering party should attach copies of any information, excluding responses to interrogatories, that was filed in connection with the FERC registration, and any order issued by the FERC pursuant thereto. Such registrations shall include, for example, determination of exempt wholesale generator (EWG) or QF status.

Post-registration requirements for power generation companies

PGCs shall report any material change in the information provided on the registration form within 45 days of the change. A material change would include, for example, a merger or consolidation with another owner of electric generation facilities that offers electricity for sale in this state. PGCs shall comply with the reporting requirements of the commission's rules implementing the Public Utility Regulatory Act (PURA) §39.155(a).

Suspension and revocation of power generation company registration and administrative penalty

Pursuant to PURA §39.356, registrations of PGCs pursuant to this section are subject to suspension and revocation for significant violations of PURA or rules adopted by the commission. The commission may also impose an administrative penalty for a significant violation at its discretion. Significant violations may include the following:

- Failure to comply with the reliability standards and operational criteria duly established by the independent organization that is certified by the commission;
- For a PGC operating in the Electric Reliability Council of Texas (ERCOT), failure to observe all scheduling, operating, planning, reliability, and settlement policies, rules, guidelines, and procedures established by the independent system operator in ERCOT;
- Providing false or misleading information to the commission;

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Pursuant to PUC Substantive Rule § 25.109

- Engaging in fraudulent, unfair, misleading, deceptive or anti-competitive practices;
- A pattern of failure to meet the conditions of this section, other commission rules, regulations or orders;
- Suspension or revocation of a registration, certification, or license by any state or federal authority;
- Failure to operate within the applicable legal parameters established by PURA §39.351; and
- Failure to respond to commission inquiries or customer complaints in a timely fashion.

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