

## CHAPTER 25. SUBSTANTIVE RULES APPLICABLE TO ELECTRIC SERVICE PROVIDERS.

### Subchapter D. RECORDS, REPORTS, AND OTHER REQUIRED INFORMATION.

#### §25.98. Permian Basin Reliability Plan Reporting Requirements and Monitor.

- (a) **Purpose.** This section sets forth the requirements for a transmission service provider (TSP) to report information to the commission using the commission's compliance reporting portal and establishes the duties of the commission's monitor to oversee the completion of the PBRP.
- (b) **Applicability.** This section applies to a TSP that is responsible for the ownership, construction, and operation of a Permian Basin Reliability Plan (PBRP) project. The requirements in this section apply to PBRP projects at the Upgrade ID level and are in addition to the reporting requirements set forth in §25.83 of this title (relating to Transmission Construction Reports). A PBRP project means:
- (1) a common local project approved by the commission's order issued on October 7, 2024, in Project No. 55718, relating to Reliability Plan for the Permian Basin Under PURA §39.167, or
  - (2) an import path approved by the commission's second order issued on April 24, 2025, in Project No. 55718.
- (c) **Initial implementation schedule requirements.** Using the commission's compliance reporting portal, the TSP must file an initial implementation schedule by July 15, 2025 or 30 days after a commission order identifying a TSP as responsible for the ownership, construction, and operation of a PBRP project, whichever is later. The implementation schedule must identify the following information:
- (1) name of the PBRP project;
  - (2) PBRP project ID, as identified in the ERCOT Permian Basin Reliability Plan Study Report;
  - (3) upgrade ID;
  - (4) transmission upgrade;
  - (5) voltage;
  - (6) facilities;
  - (7) counties affected;
  - (8) the initial estimated start and completion dates for each of the following milestones, as applicable:
    - (A) CCN application,
    - (B) right-of-way and land acquisition,
    - (C) engineering and design,
    - (D) materials and equipment procurement, and
    - (E) construction of facilities; and
  - (9) the initial estimated energization date of the PBRP project.
- (d) **Quarterly progress report requirements.** The first of January, April, July, and October is the start of a new quarter. Using the commission's compliance reporting portal, the TSP must file, by the fifteenth day of each new quarter, a report with the commission in accordance with this subsection, detailing each PBRP project's progress during the previous quarter, through energization of the PBRP project.
- (1) **PBRP projects that require a certificate of convenience and necessity (CCN).** For each PBRP project that requires a CCN, a TSP must file a quarterly progress report with the commission beginning the fifteenth day of a new quarter following the date of a commission order approving the TSP's CCN application for the PBRP project and quarterly thereafter.
  - (2) **PBRP projects that do not require a CCN.** For each PBRP project that does not require a CCN, a TSP must file a quarterly progress report with the commission six months before construction is scheduled to begin and on a quarterly basis thereafter.
  - (3) **PBRP project description and summary.** For each PBRP project, a TSP must provide a description and summary of the PBRP project in its quarterly progress report that identifies the following, as applicable:
    - (A) name of the PBRP project;
    - (B) assigned docket number that is associated with the TSP's CCN application for the

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- PBRP project;
    - (C) PBRP project ID, as identified in the ERCOT Permian Basin Reliability Plan Study Report;
    - (D) upgrade ID;
    - (E) transmission upgrade;
    - (F) voltage;
    - (G) facilities;
    - (H) counties affected;
    - (I) a brief summary of the PBRP project progress to date;
    - (J) the estimated percentage of engineering and design that is complete to date;
    - (K) the estimated percentage of procurement that is complete to date; and
    - (L) the estimated percentage of construction that is complete to date.
  - (4) **Costs.** For each PBRP project, a TSP must identify in its quarterly progress report current cost estimates using the most up-to-date information available during the reported quarter and actual costs incurred during the reported quarter for each of the following, as applicable:
    - (A) CCN acquisition;
    - (B) right-of-way and land acquisition;
    - (C) engineering and design;
    - (D) material and equipment procurement;
    - (E) construction of facilities; and
    - (F) the total to complete the PBRP project.
  - (5) **Implementation schedule.** For each PBRP project, a TSP must identify in its quarterly progress report estimated dates, using the most up-to-date information available, and actual dates for each of the following milestones, as applicable:
    - (A) start and completion of right-of-way and land acquisition;
    - (B) start and completion of engineering and design;
    - (C) start and completion of materials and equipment procurement;
    - (D) start and completion of construction of facilities; and
    - (E) PBRP project energization.
- (e) **Reporting significant changes.** Fifteen working days after a TSP determines that a significant change to the information provided in the TSP's first quarterly progress report for a PBRP project is likely to occur or has occurred, the TSP must provide a detailed explanation of the reasons for the significant change and report that information to the commission's monitor in writing. A significant change means:
  - (1) an increase of more than 10 percent to the total cost estimate at the Upgrade ID level;
  - (2) an initial change of more than 60 days to the estimated date to complete a milestone under subsection (d)(5) of this section or for a project that the TSP has previously reported a significant change of more than 60 days, an additional change of more than 15 days from an adjusted estimated date reported under this paragraph;
  - (3) a delay to the TSP's energization date of a PBRP project that is caused by the incomplete status of another PBRP project; or
  - (4) new circumstances that pose a material risk to the energization date of a PBRP project, such that there is a substantial likelihood that a project's energization date will not occur or will be delayed by more than 30 days.
- (f) **Requests for additional information.** Within 10 working days of receiving a request from commission staff or the commission's monitor for additional information relating to the progress or implementation of a PBRP project, a TSP must provide responsive information to the requestor, including applicable supporting documentation. A TSP may seek, and the requestor may agree to, an extension to the deadline for a TSP to provide responsive information.

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- (g) **Confidential information.** Information that is submitted confidentially must be included in a redacted and unredacted form. The redacted form must be redacted only to the minimum extent necessary to ensure confidentiality. The unredacted form must include a memorandum prescribed by the commission that specifies the reasons and legal basis for submitting the information confidentially. Information submitted confidentially may be accessed by commission staff or the monitor upon signing a confidentiality agreement or as otherwise authorized by applicable commission rules.
- (h) **Monitor.** The commission delegates authority to the executive director to award, negotiate pricing and performance requirements, and execute and administer a contract for a third-party monitor for the PBRP. Before commencing its duties, the monitor must sign a confidentiality agreement to access confidential information submitted by a TSP under this section. The monitor's duties include:
  - (1) monitoring and reviewing the reports that TSPs are required to file under this section;
  - (2) communicating with TSPs as needed to fulfill the monitor's responsibilities under this section;
  - (3) requesting additional information directly related to a TSP's designated PBRP project, as needed;
  - (4) providing regular status updates to the commission;
  - (5) informing commission staff of a significant change to a PBRP project; and
  - (6) any other function deemed appropriate by the executive director or the executive director's designee to oversee completion of the PBRP.
- (i) **Monitor cost assignment and apportionment.** A TSP identified through a commission order as responsible for the ownership, construction, and operation of a PBRP project must pay the invoiced costs approved by the executive director or the executive director's designee for the monitor.
  - (1) The funding of the monitor must be sufficient to ensure the selection of a monitor in accordance with the scope and activities set forth in subsection (h) of this section.
  - (2) The executive director or executive director's designee will determine a monthly cost to invoice each TSP based on the factors that include:
    - (A) the total number of PBRP projects;
    - (B) the total number of PBRP projects that each TSP is responsible for owning, constructing, and operating; and
    - (C) the monthly costs of the monitor to perform the duties described in subsection (h) of this section.
  - (3) A TSP may seek recovery of the amounts paid under this paragraph as part of the overall PBRP project costs.
- (j) **Agency record.** Notwithstanding any other commission rule, the official agency record for filings under this section is the compliance reporting portal.