

Werner Powers in Houston Chronicle: Supreme Court Will Review ERCOT's Immunity From Lawsuits

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Haynes Boone Partner Werner Powers was quoted in a *Houston Chronicle* article about the Texas Supreme Court agreeing to review a lower court's ruling involving firm client Panda Power.

Here is an excerpt:

The review, announced last week, is a win for electricity generator Panda Power. The Dallas company sued the Electric Reliability Council of Texas (ERCOT) four years ago, alleging that the grid manager manipulated the state's power needs to encourage new power plant construction to relieve political pressure building in Texas. Panda Power built three power plants and invested billions of dollars based on ERCOT projections that Texas desperately needed more generation to meet growing power demands.

But ERCOT, a private nonprofit corporation, argued that it needs immunity from lawsuits because it is funded by transaction fees paid by power generators and a verdict ordering it to pay sizeable damages would force it to spread the cost among generators, which in turn, would pass it on in the form of higher electricity prices.

ERCOT is the only grid manager in the nation with sovereign immunity.

"Panda is excited about having the opportunity to address with the state's highest court whether ERCOT is above the law," said Werner A. Powers, a lawyer with Haynes Boone in Dallas representing Panda Power.

To read the full article, click [here](#). (Subscription required)