

PUBLIC UTILITY COMMISSION OF TEXAS

OPEN MEETING AGENDA FRIDAY, AUGUST 17, 2012, 9:30 A.M. Commissioners' Hearing Room 7th Floor, William B. Travis Building

The following items will be taken up first without discussion: 2, 4, 7, 9, 10, 11, 17, 21, 22, 23, 24, 25

Project No. 40019 - Open Meeting Agenda items without an associated control number.

COMMUNICATIONS

1. Docket No. 36633; SOAH Docket No. 473-09-5470 - Petition of CPS Energy for Enforcement Against AT&T Texas and Time Warner Cable Regarding Pole Attachments. (Discussion and possible action, including an Interim Order) Katherine Lengieza-Gross
2. Docket No. 39800; SOAH Docket No. 473-12-7092 - Complaint of Jasper County Against Southwestern Bell Telephone, LP d/b/a AT&T Texas. (Preliminary Order) Katherine Lengieza-Gross
3. Project No. 39717 - P.U.C. Rulemaking Proceeding Related to Voice Over Internet Protocol (VOIP) Services and Texas Universal Service Fund (TUSF). (Proposal for Adoption) Davida Dwyer and Cliff Crouch
4. Project No. 40561 - Rulemaking to Amend Substantive Rule 26.418, Relating to Designation of Common Carriers as Eligible Telecommunications Carriers to Receive Federal Universal Service Funds. (Proposal for Publication) Brennan Foley and Liz Kayser
5. Docket No. 40521 - Commission Staff's Petition to Establish a Reasonable Rate for Basic Local Telecommunications Service Pursuant to P.U.C. SUBST. R. 26.403. (Discussion and possible action)
6. Discussion and possible action regarding implementation of state and federal legislation affecting telecommunications markets, current and projected rulemaking projects, and Commission priorities.

ELECTRIC

7. Docket No. 40138; SOAH Docket No. 473-12-7018 - Complaints of Carla J. Curnutt and Christina Melinder Against Cedar Post Park Council of Co-Owners. (Preliminary Order) Katherine Lengieza-Gross
8. Docket No. 40443; SOAH Docket No. 473-12-7519 - Application of Southwestern Electric Power Company for Authority to Change Rates and Reconcile Fuel Costs. (Preliminary Order) Heidi Jackson

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9. Docket No. 40450; SOAH Docket No. 473-12-7376 - Petition of AEP Texas North Company for Administrative Approval of Transmission Cost Recovery Factor. (Preliminary Order) Heidi Jackson
10. Docket No. 40454; SOAH Docket No. 473-12-7377 - Petition of Texas-New Mexico Power Company for Administrative Approval of Transmission Cost Recovery Factor Update. (Preliminary Order) Heidi Jackson
11. Docket No. 40487; SOAH Docket No. 473-12-7110 - Notice of Violation by CPS Energy, an Authorized Qualified Scheduling Entity (QSE), of PURA § 39.151(d) and (j), P.U.C. SUBST. R. § 25.503(f)(2), ERCOT Protocols §§ 6.5.7.6.2.3(4) Relating to Non-Spinning Reserve Service (NSRS) Deployment, 8.1.1.2.1.3. Relating to NSRS Qualification, and 8.1.1.4.3(3)(b) Relating to NSRS Energy Deployment Criteria. (Preliminary Order) Heidi Jackson
12. Docket No. 39509; SOAH Docket No. 473-11-8674 - Application of AEP Texas Commercial & Industrial Retail Limited Partnership for Amendment to a Retail Electric Provider Certification. (Final Order) Mark Hovenkamp
13. Docket No. 39592; SOAH Docket No. 473-12-2788 - Application of Sharyland Utilities, LP to Approve Retail Plan Pursuant to the Commission's Order in Docket No. 37990 and for Other Relief. (Final Order) Heidi Jackson
14. Docket No. 39896; SOAH Docket No. 473-12-2979 - Application of Entergy Texas, Inc. for Authority to Change Rates, Reconcile Fuel Costs, and Obtain Deferred Accounting Treatment. (Final Order) Laura Kennedy
15. Docket No. 40348; SOAH Docket No. 473-12-6064 - Application of Texas-New Mexico Power Company for Approval of an Energy Efficiency Cost Recovery Factor; Docket No. 40356; SOAH Docket No. 473-12-6077 - Application of CenterPoint Energy Houston Electric, LLC for Approval of an Adjustment to its Energy Efficiency Cost Recovery Factor; Docket No. 40361; SOAH Docket No. 473-12-6082 - Application of Oncor Electric Delivery Company, LLC for 2013 Energy Efficiency Cost Recovery Factor. (Certified Issues) Laura Kennedy and Mark Hovenkamp
16. Docket No. 40348; SOAH Docket No. 473-12-6064 - Application of Texas-New Mexico Power Company for Energy Efficiency Cost Recovery Factor. (Final Order) Laura Kennedy
17. Docket No. 40360; SOAH Docket No. 473-12-6081 - Application of Entergy Texas, Inc. for Authority to Redetermine Rates for the Energy Efficiency Cost Recovery Factor Tariff. (Final Order) John Kramer

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18. Docket No. 40361; SOAH Docket No. 473-12-6082 - Application of Oncor Electric Delivery Company, LLC for 2013 Energy Efficiency Cost Recovery Factor. (Final Order) Mark Hovenkamp
19. Docket No. 40346; SOAH Docket No. 473-12-6206 - Application of Entergy Texas, Inc. for Approval to Transfer Operational Control of its Transmission Assets to the MISO RTO. (Discussion and possible action) John Kramer
20. Docket No. 40118 - Complaint of Nextera Energy Resources, LLC Contesting the Notice of Alleged Violation and Proposed Sanction of the Texas Reliability Entity, Inc. (Discussion and possible action) Mark Hovenkamp
21. Docket No. 40347 - Request of El Paso Electric Company to Adjust System-Wide Standards Pursuant to P.U.C. SUBST. R. 25.52. (Final Order) Irene Montelongo
22. Docket No. 40444 - Non-Standard True-Up Filing of AEP Texas Central Company Pursuant to the Financing Order in Docket No. 32475. (Final Order) Irene Montelongo
23. Docket No. 40579 - Agreed Notice of Violation and Settlement Agreement Relating to Ambit Energy, L.P.'s Violation of PURA §§ 17.004 and 39.101 and P.U.C. SUBST. R. § 25.474, 25.479, 25.480, 25.483 and 25.485, Concerning Customer Protection Rules for Retail Electric Service. (Final Order) Irene Montelongo
24. Docket No. 40583 - Agreed Notice of Violation and Settlement Agreement Relating to CenterPoint Energy Houston Electric, LLC's Violation of PURA § 38.005 and P.U.C. SUBST. R. 25.52, Concerning Reliability and Continuity of Service. (Final Order) Irene Montelongo
25. Project No. 40511 - P.U.C. Proceeding to Modify Requirements for Certificate of Convenience and Necessity for a Proposed Transmission Line and Service Area Boundary and Transmission Construction Reports. (Proposal for Publication) Scottie Aplin and Jennifer Hubbs
26. Project No. 40000 - Commission Proceeding to Ensure Resource Adequacy in Texas. (Discussion and possible action) Diana Leese and Jason Haas
27. Project No. 37344 - Information Related to the Entergy Regional State Committee. (Discussion and possible action)
28. Discussion and possible action on electric reliability; electric market development; ERCOT oversight; transmission planning, construction, and cost recovery in areas outside of ERCOT; SPP Regional State Committee and electric reliability standards and organizations arising under federal law.

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29. Discussion and possible action regarding implementation of state and federal legislation, affecting electricity markets, current and projected rulemaking projects, and Commission priorities.

GENERAL

30. Discussion and possible action regarding agency review by Sunset Advisory Commission, operating budget, strategic plan, appropriations request, project assignments, correspondence, staff reports, agency administrative issues, fiscal matters and personnel policy.
31. Discussion and possible action regarding customer service issues, including but not limited to correspondence and complaint issues.
32. Infrastructure Reliability, Emergency Management, and Homeland Security matters. (Discussion and possible action) David Featherston
33. Adjournment for closed session to consider:
- a. litigation matters, pursuant to Tex. Gov't Code § 551.071(a)(1), regarding pending or contemplated litigation, including but not limited to:

Texas District Courts

AEP Texas Central Company v. PUC, D-1-GN-07-001153, Travis County District Court; Steering Committee of Cities v. PUC, D-1-GN-07-001144, Travis County District Court. (Appeal of Docket No. 32758)

Cities of Beaumont, Conroe, Groves, Nederland, Pine Forest, Port Neches, Rose City, and Silsbee v. PUC, Cause No. D-1-GV-08-000003, Travis County District Court. (Appeals of Docket No. 32710)

Cities of Corpus Christi, et al. v. Public Utility Commission, No. D-1-GV-06-000973, 201st Judicial District, Travis County District Court. (Appeal of Docket No. 31433)

Cities of Corpus, et al. v. PUC, D-1-GN-08001522, Travis County District Court. (Appeal of Docket No. 33309)

Cities of Dickinson *et al.* v. PUC, D-1-GN-07-000116, Travis County District Court (Appeal of Docket No. 31994)

City of Bryan v. PUC, D-1-GV-08-002325, Travis County District Court (Appeal of Docket No. 35011)

City of Garland v. PUC, D-1-GV-09-001199 (Consolidated), Travis County District Court (Appeal of Docket No. 35665)

City of Kerrville, Kerrville Public Utility Board, and City of Junction vs. PUC, D-1-GV-11-000324, Travis County District Court (Appeal of Docket No. 38354)

City Public Service Board of San Antonio v. Public Util. Comm'n, Cause No. GNO-002343, Travis County District Court. (Appeal of Docket No. 22055)

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Entergy Texas, Inc. v. PUCT, Cause No. D-1-GN-09-000816, Travis County District Court, 126th District (Appeal of Docket No. 35269)

Environmental Defense v. TCEQ (White Stallion), D-1-GN-11-000011

Environmental Defense & Texas Clean Air Cities Coal v. TCEQ (Las Brisas), D-1-GN-11-001364

JD Wind 1, LLC, JD Wind 2, LLC, et al. v. PUC, Cause No. D-1-GV-08-001459, Travis County District Court (Docket No. 34442)

Kathryn Runnells et al. v. TCEQ (White Stallion), D-1-GN-12-002111

Mobberley Road & 285 Partners, Ltd., BVJV Wataugua, L.P., and Duck Point Partners, Ltd. v. PUC, D-1-GN-08-000982, Travis County District Court (Appeal of Docket No. 32871)

Nucor Steel v. PUC, Oncor Electric Delivery Co. and Texas Energy Future Holdings Limited Partnership, Travis County District Court, D-1-GN-08-002467. (Appeal of Docket No. 34077)

Pioneer Natural Resources USA, Inc. v. Public Util. Comm'n, No. D-1-GN-06-003805, 200th Judicial District, Travis County District Court; Pioneer Natural Resources USA, Inc. v. Public Util. Comm'n, No. D-1-GN-06-003209, 126th Judicial District, Travis County District Court. (Appeal of Docket No. 31422)

Power Resource Group, Inc. v. Public Utility Commission, No. GN5-02139, Travis County District Court. (Appeal of Docket No. 30172)

Public Utility Commission v. State Telephone Texas Corporation, No. D-1-GN10-001980, in the 201st District Court of Travis County, Texas (Enforcement of Docket No. 36991 Order)

Public Utilities Board of the City of Brownsville v. PUC, Travis County District Court, D-1-GV-08-001459. (Appeal of Docket No. 34410)

Sierra Club v. TCEQ (White Stallion), D-1-GN-11-000036

Southwestern Bell Telephone, L.P. v. Current Communications of Texas, L.P., No. 06-11388 in the 162nd District Court of Dallas County, Texas

Southwestern Electric Power Company. v. PUC, 07-10-00108-CV, 7th Court of Appeals (Appeal of Docket No. 33891)

Texas Cable & Telecommunications Association v. Public Util. Comm'n, No. D-1-GN6-001900, Travis County District Court. (SB 5)

Texas New Mexico Power Company v. PUC, D-1-GN-09-000071, Travis County District Court. (Appeal of Docket No. 35038)

Texas Appeals Courts

CenterPoint Energy Houston Electric, LLC v. PUC Rulemaking Proceeding No. 37623, Cause No. 03-10-00633, Third Court of Appeals.

City of El Paso and El Paso Electric Company v. Public Util. Comm'n. 03-08-00577, in the Third Court of Appeals. (Appeals of Docket No. 26194)

Constellation Energy v. PUC, No. 03-09-00417-CV, in the Third Court of Appeals (Appeal of Docket No. 33500)

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Harris County Hospital District v. PUC, 03-10-00647-CV, 3rd Court of Appeals, (Docket No. 34332)

Public Utility Comm'n, et al. v. Cities of Harlingen, et al., No. 03-08-00793-CV, Third Court of Appeals (Appeal of Docket No. 33734)

Texas Supreme Court

Texas Industrial Energy Consumers and Gulf Coast Coalition of Cities v. CenterPoint Energy Houston Electric, LLC, and Pub. Util. Comm'n, Texas Supreme Court, No. 08-0727. (Appeal of Docket No. 30706)

Federal Courts

Entergy Texas, Inc. v. Barry T. Smitherman, Donna L. Nelson, and Kenneth W. Anderson, Case No. A-09-CA-0183-LY, United States District Court for the Western District of Texas (Appeal of Docket No. 35269)

JD Wind 1, LLC, JD Wind 2, LLC, JD Wind 3, LLC, JD Wind 4, LLC, JD Wind 5, LLC and JD Wind 6, LLC, et al. v. PUC, Cause No. A09CA917SS, Federal District Court (Docket No. 34442).

Occidental Permian Ltd. v. Federal Energy Regulatory Commission, Cause No. 10-1381, DC Circuit Court of Appeals.

Talk America, Inc. and Orjiakor N. Isiogu et al. v. Michigan Bell Telephone Company, Nos. 10-313 and 10-329, U.S. Supreme Court

Texas Cable & Telecommunications Association v. Perry, et al., No. A-05-CV-721-LY, Western District of Texas No. A-05-CV-721; No. 10-51113, Fifth Circuit Court of Appeals; U.S. Supreme Court, No. 06-51514

Texas Commercial Energy, L.L.C., Case No. 03-20366-C-11, U.S. Bankruptcy Court, Southern District of Texas

White Stallion Energy Center, LLC v. U.S. Environmental Protection Agency, Case No. 12-1100

White Stallion Energy Center, LLC v. U.S. Environmental Protection Agency, Case No. 12-1272

EPA

EPA-HQ-OAR-2009-0491 – Revisions to Federal Implementation Plans to Reduce Interstate Transport of Fine Particulate Matter and Ozone

FCC

In the Matter of ASAP Paging for Preemption of PUC Concerning Retail Rating of Local Calls to CMRS Carriers, FCC DA-04-92; WC 04-6 (Docket No. 25673)

In the Matter of Petition of Alenco Communications, Inc., Big Bend Telephone Company, Dell Telephone Cooperative, Inc., Riviera Telephone Company, Valley Telephone Cooperative, Inc., Texas Statewide Telephone Cooperative, Inc., and Texas Telephone Association for a Declaratory Ruling and for Preemption, CC Docket No. 96-45, Federal Communications Commission

In the Matter of Review of Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers, CC Docket No. 01-338, Federal Communications Commission

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In the Matter of Sprint Spectrum, L.P. Petition for Declaratory Ruling that the Kansas Corporation Commission's October 2, 2006 Order in Docket 06-GMIT-446-GIT, WC Docket Nos. 03-109, 07-138, Federal Communications Commission

FERC

FERC Docket No. TX11-2-000, Application of the City of College Station, Texas for an Order Directing a Physical Interconnection of Facilities and Transmission Services for Emergency Purposes only Under 210, 211 and 212 of the FPA and Request for Expedited Action in TX11-2.

FERC Docket No. ER07-682-002, Entergy Services, Inc.

FERC Docket No. ER07-683, Entergy Services, Inc.

FERC Docket No. ER07-956-000, Entergy Services, Inc.

FERC Docket No. ER09-636-000, Entergy Services, Inc.

FERC Docket No. ER09-833-000, Entergy Services, Inc.

FERC Docket No. ER09-1224, Entergy Services, Inc.

FERC Docket No. ER10-2748, Entergy Services, Inc.

FERC Docket No. ER11-1923, Entergy Services, Inc.

FERC Docket No. ER12-1384; ER12-1385; ER12-1386; ER12-1387; ER12-1388; ER12-1390, Entergy Services, Inc.

FERC Proceeding to Amend Entergy System Agreement

FERC Docket No. EL09-77-000, JD Wind 1, LLC, JD Wind 2, LLC, JD Wind 3, LLC, JD Wind 4, LLC, JD Wind 5, LLC, JD Wind 6, LLC

FERC Docket No. EL11-62-000, Petition for Creation of a Joint Federal-State Board to Study Electric Reliability

FERC Docket No. EL00-66-013 and EL95-33-009, Louisiana Public Service Commission and the City Council of New Orleans

FERC Docket No. EL01-88, Louisiana Public Service Commission v. Entergy Services, Inc.

FERC Docket No. EL11-34-000, Petition for Declaratory Order and Request for Shortened Notice Period and for Expedited Treatment of the Midwest Independent Transmission System Operator, Inc.

FERC Docket No. EL11-61-000, Southern Cross Transmission, LLC

FERC Docket No. TX11-1-000, Joint Application of Southern Cross Transmission, LLC and Pattern Power Marketing, LLC

FERC Docket No. ER10-1069, Southwest Power Pool, Inc.

FERC Docket No. EL10-22-000, Tres Amigas, LLC

FERC Docket No. EL10-396-000, Tres Amigas, LLC

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FERC Docket No. EL12-35-000, Midwest Independent Transmission System Operator, et al.

FERC Docket No. EL12-80-000, Exelon Wind 1, LLC et al., Petition for Enforcement and Declaratory Order Pursuant to Section 210(h) of the Public Utility Regulatory Policies Act of 1978

- b. Consultation with its attorneys, pursuant to Tex. Gov't Code § 551.071(a)(2).
- c. Personnel matters, pursuant to Tex. Gov't Code § 551.074; discussion and decision regarding personnel matters including but not limited to the Executive Director, the Deputy Executive Director, and the Division Directors.
- d. Security matters pursuant to Tex. Gov't Code § 551.076; including matters under Project No. 24729 and other matters related to deployment, use or implementation of security personnel or devices.

Reconvene for discussion and decisions on matters considered in closed session.

Persons planning to attend this meeting who have disabilities requiring auxiliary aids or services should notify the Commission as far in advance as possible so that appropriate arrangements can be made. Requests can be made by mail, telephone or in person to the Commission's Office of Customer Protection, 1701 N. Congress Ave., Austin, Texas 78701, phone number (512) 936-7150 or (512) 936-7136 for the teletypewriter for the deaf.