

PUBLIC UTILITY COMMISSION OF TEXAS

OPEN MEETING AGENDA FRIDAY, SEPTEMBER 26, 2014, 9:30 A.M. Commissioners' Hearing Room 7th Floor, William B. Travis Building

Project No. 42079 - Open Meeting Agenda items without an associated control number.

COMMUNICATIONS

1. Docket No. 42722; SOAH Docket No. 473-15-0018 - Complaint of Johana Reyes Against Tel Circuit/USBI and Southwestern Bell Telephone Company D/B/A AT&T Texas. (Preliminary Order) John Kramer
2. Discussion and possible action regarding implementation of state and federal legislation affecting telecommunications markets, current and projected rulemaking projects, and Commission priorities.

ELECTRIC

3. Docket No. 41785; SOAH No. 473-14-0813 - Application of South Texas Electric Cooperative, Inc. to Amend a Certificate of Convenience and Necessity for a Proposed 138-kV Transmission Line in La Salle and McMullen Counties. (Final Order) David Smeltzer
4. Docket No. 42559; SOAH Docket No. 473-14-3896 - Application of Oncor Electric Delivery Company, LLC for 2015 Energy Efficiency Cost Recovery Factor. (Final Order) John Kramer
5. Docket No. 42597 - Application of Panhandle Wind Holdings 2, LLC Pursuant to Section 39.158 of the Public Utility Regulatory Act. (Final Order) Irene Montelongo
6. Docket No. 42659 - Application of Entergy Texas, Inc. for Public Utility Commission of Texas Consulting Fee Rider. (Final Order) Irene Montelongo
7. Docket No. 42693 - Commission Staff's Petition for Good Cause Exception to P.U.C. SUBST. R. 25.43. (Final Order) Irene Montelongo
8. Docket No. 42201 - Designation of Retail Electric Providers of Last Resort for 2015-2016 Pursuant to P.U.C. SUBST. R. 25.43 and Submission of LSP EFLs. (Final Order) Irene Montelongo
9. Docket No. 42783 - Agreed Notice of Violation and Settlement Agreement Relating to TriEagle Energy, LP D/B/A Power House Energy's Violation of PURA § 39.904 and P.U.C. SUBST. R. § 25.173, Concerning Renewable Energy Credits. (Final Order) Irene Montelongo

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10. Docket No. 42476 - CenterPoint Energy Houston Electric, LLC's Appeal and Complaint Against the Electric Reliability Council of Texas. (Discussion and possible action) Hannah Turner
11. Docket No. 42511 - Complaint of Calpine Corporation and NRG Energy, Inc. Against the Electric Reliability Council of Texas and Appeal of Decision Concerning the Houston Import Project. (Discussion and possible action) Laura Buchanan
12. Project No. 40979 - Proceeding to Track Compliance with the Terms and Conditions Set Forth in the Commission's Order Issued in Docket No. 40346 and the NUS, and Associated Studies Arising from the Order and/or NUS. (Discussion and possible action) Joseph Younger and Davida Dwyer
13. Project No. 36234 - Advanced Metering System Low-Income Program. (Discussion and possible action). Katie Rich and Shelah Cisneros
14. Project No. 42631 - Rulemaking Regarding Subsynchronous Oscillation in the ERCOT Region. (Discussion and possible action) Kristi Denney and Julia Harvey
15. Project No. 42636 - Commission Comments on Proposed EPA Rule on Greenhouse Gas Emissions for Existing Generating Units. (Discussion and possible action, including Delegation of Authority to File Comments to EPA) Tom Hunter and Kristin Whitley
16. Project No. 41060 - Proceeding to Examine the Inputs Included in the ERCOT Capacity, Demand and Reserves Report. (Discussion and possible action)
17. Project No. 41061 - Rulemaking Regarding Demand Response in the Electric Reliability Council of Texas (ERCOT) Market. (Discussion and possible action)
18. Project No. 42302 - Review of the Reliability Standard in the ERCOT Region. (Discussion and possible action) Julia Harvey and Jason Haas
19. Project No. 40000 - Commission Proceeding to Ensure Resource Adequacy in Texas. (Discussion and possible action) Diana Coleman and Jason Haas
20. Project No. 42750 - Matters Pertaining to or Arising Out of the Chapter 11 Bankruptcy of Energy Future Holdings. (Discussion and possible action) Tom Hunter
21. Project No. 37344 - Information Related to the Entergy Regional State Committee. (Discussion and possible action)
22. Project No. 41210 - Information Related to the Southwest Power Pool Regional State Committee. (Discussion and possible action)
23. Project No. 41211 - Information Related to the Organization of MISO States. (Discussion and possible action)

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24. 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.
25. Discussion and possible action regarding implementation of state and federal legislation, affecting electricity markets, current and projected rulemaking projects, and Commission priorities.

WATER

26. Docket No. 42860 - Application of Douglas Utility Company to Change Water and Sewer Rate/Tariff in Harris County. (Appeal of Order No. 3) Davida Dwyer
27. Docket No. 42848; SOAH Docket No. 473-14-5137 - Petition of Burt W. Ferguson Appealing the Cost of Obtaining Service from M.E.N. Water Supply Corporation; Certificate of Convenience and Necessity No. 10748. (Final Order) Lisa Carter and John Kramer
28. Docket No. 42849; SOAH Docket No. 473-14-5135 - Water Rate/Tariff Change Application of Wiedenfeld Water Works, Inc. Certificate of Convenience and Necessity No. 12052 in Kerr, Kendall and Medina Counties. (Final Order) Laura Buchanan and David Smeltzer
29. Docket No. 42801 - Petition of the State of Texas for an Expedited Release of Lands from Markout Water Supply Corporation Certified Service Area (TCEQ Docket No. 2014-1224-UCR) (Discussion and possible action related to Motion to Overturn) Davida Dwyer
30. Docket No. 42802 - Application of Monarch Utilities I, L.P., for Change in Water and Sewer Rate/Tariff For Certificate of Convenience and Necessity Nos. 12983 and 20899 in Bandera, Brazoria, Chambers, Denton, Grayson, Hays, Henderson, Hood, Johnson, Liberty, Marion, Matagorda, Medina, Montgomery, Parker, Polk, San Jacinto, Smith, Tarrant, Trinity, Tyler, Van Zandt, Wise and Wood Counties Texas Application Nos. 37714-R and 37715-R (TCEQ Docket No. 2014-0413-UCR) (Discussion and possible action related to Motion to Overturn) Hannah Turner
31. Docket No. 42839 - Application of SWWC Utilities, Inc. D/B/A Hornsby Bend Utility Company for a Change in Water and Sewer Rate/Tariff for Certificates of Convenience and Necessity Nos. 11978 and 20650, in Travis County, Texas, Application Nos. 37716 and 37717-R (TCEQ Docket No. 2014-0539-UCR). (Discussion and possible action related to Motion to Overturn) Hannah Turner
32. Docket No. 42893 - Petition of Tyler Oak Creek Development, LLC to Amend Tall Timbers Utility Company, Inc.'s Sewer Certificate of Convenience and Necessity by Expedited Release in Smith County. (Final Order) Susan E. Goodson

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33. Docket No. 42894 - Petition for Expedited Release Pursuant to Texas Water Code, Section 13.254(A-5) from Martin Land Development, Ltd., to Decertify a Portion of Certificate of Convenience and Necessity (CCN) No. 11615 Held by the Town of Cut and Shoot in Montgomery County. (Final Order) Susan E. Goodson
34. Discussion and possible action regarding implementation of state legislation affecting water and sewer companies, current and projected rulemaking projects, and Commission priorities.
35. Discussion and possible action related to delegation of authority to Commission Advising and Docket Management for water and sewer matters.

GENERAL

36. 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.
37. Discussion and possible action regarding customer service issues, including but not limited to correspondence and complaint issues.
38. Discussion and possible action on infrastructure reliability, emergency management, and homeland security.
39. Adjournment for closed session to consider:
 - a. litigation matters, pursuant to Tex. Gov't Code § 551.071(1), regarding pending or contemplated litigation, including but not limited to:

Texas District Courts

CenturyTel of San Marcos et al. v. Public Utility Commission of Texas, et al., No. D-1-GN-13-001927

City of San Antonio Acting by and through City Public Service Board a/k/a CPS Energy v. Public Utility Commission, No. D-1-GV-13-000988, Travis County District Court (Appeal of Docket No. 40487

CTMGT Frisco 113, LLC vs. Oncor Electric Delivery Company, LLC, Rock Hill Enterprises, Ltd., Public Utility Commission of Texas, The Electric Reliability Council of Texas, Inc., Case No. 199-01359-2014 (199th District Court Collin County Texas)

Electric Reliability Council of Texas v. Hwy 3 MHP LLC, Cause No. D-1-GN-09-003607, Travis County District Court

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

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

Texas Appeals Courts

AEP Texas Commercial and Industrial Retail Limited Partnership v. Public Utility Commission, No. 03-13-00358-CV, in the Third Court of Appeals (Appeal of Docket No. 39509)

Exelon Wind, LLC v. Public Utility Commission, No. 03-13-00084-CV, in the Third Court of Appeals (Appeal of Docket No. 37361)

HWY 3 MHP, LLC v. Electric Reliability Council of Texas (ERCOT), No. 03-14-00303-CV in the Third Court of Appeals

State of Texas Agencies and Institutions of Higher Learning v. Public Utility Commission, -03-11-00072-CV in the Third Court of Appeals (Appeal of Docket No. 35717)

TCEQ Cases

John Soules Foods, Inc. v. Texas Commission on Environmental Quality, Cause No. D-1-GN-14-001749, Travis County District Court.

Marilee Special Utility District v. Texas Commission on Environmental Quality, Cause No. D-1-GN-13-001358, Travis County District Court.

Marilee Special Utility District v. Texas Commission on Environmental Quality, Cause No. D-1-GN-14-000130, Travis County District Court.

Marilee Special Utility District v. Texas Commission on Environmental Quality, Cause No. D-1-GN-14-002461, Travis County District Court

Maxwell Water Supply Corp. v. Texas Commission on Environmental Quality, Cause No. D-1-GN-13-003767, Travis County District Court.

Maxwell Water Supply Corp. v. Texas Commission on Environmental Quality, Cause No. D-1-GN-13-003768, Travis County District Court.

Maxwell Water Supply Corp. v. Texas Commission on Environmental Quality, Cause No. D-1-GN-13-003771, Travis County District Court.

Monarch Utilities/, L.P. v. Texas Commission on Environmental Quality, Cause No. D-1-GN-13-000885, Travis County District Court.

Monarch Utilities/, LP. v. Texas Commission on Environmental Quality, Cause No. D-1-GN-13-001382, Travis County District Court.

Monarch Utilities/, LP. v. Texas Commission on Environmental Quality, Cause No. D-1-GN-13-004187, Travis County District Court.

Monarch Utilities/, L.P. v. Texas Commission on Environmental Quality, Cause No. D-1-GN-14-000249, Travis County District Court.

SJWTX v. Covar, Cause No. D-1-13-003915, Travis County District Court.

Town of Providence Village v. Texas Commission on Environmental Quality, Cause No. D-1-GN-11-002972, Travis County District Court.

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Town of Providence Village v. Texas Commission on Environmental Quality, Cause No. D-1-GN-11-003846, Travis County District Court.

Crystal Clear Water Supply Corporation v. Vickery, No. 03-13-00528-CV, Third Court of Appeals

Navarro County Wholesale Ratepayers v. Vickery, Cause No. D-1-GN-12-000226, No. 03-13-00814-CV, in the Third Court of Appeals.

Federal Courts

Aspire Commodities v. GDF SUEZ Energy North America, No. 4:14-CV-01111 (S.D. Tex)

Energy Future Holdings Corp., et al., No. 14-10979 (Bankr. D. Del.)

EME Homer City Generation v. Environmental Protection Agency, United States Court of Appeals for the District of Columbia, No. 11-1302 (and consolidated cases) (Transport Rate)

Exelon Wind 1, LLC, formerly known as JD Wind 1, LLC, et al. v. Nelson, et al., No. 12-51228, in the United States Court of Appeals for the Fifth Circuit (Docket No. 34442)

Exelon Wind 1, LLC, et al. v. Nelson, et al., No 1:12-CV-00902-SS, United States District Court, Austin Division

Glacial Energy of Texas, Case No. 14-10845-CSS, United States Bankruptcy Court for the District of Delaware

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

Optim Energy, LLC, Case No. 14-10262, United States Bankruptcy Court for the District of Delaware

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

FERC

ENTERGY

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

FERC Docket No. ER07-683, Entergy Services, Inc. (System Agreement)

FERC Docket No. ER07-956, Entergy Services, Inc. (Bandwidth)

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

FERC Docket No. ER09-833, Entergy Services, Inc. (Bandwidth)

FERC Docket No. ER09-1224, Entergy Services, Inc. (Bandwidth)

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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. (Powered System Agreement to Include Cancellation Costs of Little Gypsy Gas Plant)

FERC Docket No. ER13-432, Entergy Services, Inc. (Proceeding to Amend Entergy System Agreement Regarding Exiting of Entergy Arkansas and Move to MISO)

FERC Docket No. ER13-1595, Entergy Services, Inc. (2012 bandwidth payment)

FERC Docket No. EL14-43, East Texas Cooperative, Sam Rayburn Electric Cooperative, and Tex-La Electric Cooperative v. Entergy (Bandwidth payments)

FERC Docket No. EL14-69, Entergy Texas, Inc. v. East Texas Cooperative, Sam Rayburn Electric Cooperative, and Tex-La Electric Cooperative (Bandwidth payments)

FERC Docket No. ER14-73, Entergy Services, Inc. (System Agreement Amendments - load responsibility)

FERC Docket No. ER14-80, Entergy Services, Inc. (System Agreement Amendments - termination date)

FERC Docket No. ER 14-128, Entergy Texas (Notice to exit system agreement)

FERC Docket No. ER 14-1094, Entergy Texas, Inc. (Entergy System Agreement compliant with ER13-432)

FERC Docket No. ER14-1267, Entergy Texas, Inc. (Entergy System Agreement compliant with ER13-432-amended filing)

FERC Docket No. ER14-1644, Entergy Texas, Inc. (Amend MSS-3 to include above-cost PPA)

FERC Docket No. ER 14-1645, Entergy Texas, Inc., Midcontinent Independent System Operator, Inc. (Schedule 47 recovery of MISO transition costs)

FERC Docket No. ER14-2085, Entergy Services, Inc. (2013 bandwidth payment)

MISO

FERC Docket No. EL11-34, 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. EL12-35, Midwest Independent Transmission System Operator, et al.

FERC Docket No. ER12-2682, Midwest Independent Transmission System Operator, Inc.

FERC Docket No. EL13-41, Occidental Chemical Corp v. MISO

FERC Docket No. ER13-665 Midwest Independent Transmission System Operator, Inc.'s Section 205 Filing to Revise the Open Access Transmission Energy and Operating Reserve Markets Tariff Provision on Long-Term Transmission Rights to Address Integration of Second Planning Area

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FERC Docket No. EL14-21, Southwest Power Pool, Inc. v. Midcontinent Independent System Operator, Inc. (complaint regarding use of SPP's system without compensation as required by JOA)

FERC Docket No. ER14-1174, Southwest Power Pool, Inc. (unexecuted service agreement between SPP and MISO)

FERC Docket No. ER14-1713, Midcontinent Independent System Operator (OATT amendment)

FERC Docket No. ER14-1736, Midcontinent Independent System Operator (OATT amendment)

FERC Docket No. ER14-1940, Midcontinent Independent System Operator (e-tariff update, Schedule 29)

FERC Docket No. ER14-2022, Midcontinent Independent System Operator (Request for waiver to suspend long-term transmission requests)

FERC Docket No. ER14-2445, Midcontinent Independent System Operator (hurdle rate)

OTHER

FERC Docket No. EL12-80, 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

FERC Docket No. EL13-61, Exelon Corporation, Exelon Wind 1, LLC, Exelon Wind 2, LLC, Exelon Wind 3, LLC, Exelon Wind 4, LLC, Exelon Wind 5, LLC, Exelon Wind 6, LLC, Exelon Wind 7, LLC, Exelon Wind 8, LLC, Exelon Wind 9, LLC, Exelon Wind 10, LLC, Exelon Wind 11, LLC, High Plains Wind Power, LLC

FERC Docket No. EL14-81, Golden Spread Electric Cooperative, Inc. and Sharyland Utilities, L.P.

FERC Docket No. ER14-2850, Southwest Power Pool, Inc.

FERC Docket No. ER14-2851, Southwest Power Pool, Inc.

- b. Consultation with its attorneys, pursuant to Tex. Gov't Code § 551.071(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.