

PUBLIC UTILITY COMMISSION OF TEXAS

OPEN MEETING AGENDA FRIDAY, OCTOBER 25, 2013, 9:30 A.M. Commissioners' Hearing Room 7th Floor, William B. Travis Building

The following items will be taken up first without discussion: 3, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, 25

Project No. 41094 - Open Meeting Agenda items without an associated control number.

COMMUNICATIONS

1. Docket No. 41731; SOAH Docket No. 473-13-5756 - Petition of AT&T Texas to Determine Whether Certain Markets with Populations Less Than 100,000 Should Remain Regulated. (Final Order) Lisa Carter
2. Docket No. 41740; SOAH Docket No. 473-13-5757 - Petition of Verizon Southwest to Determine Whether Certain Markets with Populations Less Than 100,000 Should Remain Regulated. (Final Order) Lisa Carter
3. Project No. 41024 - Rulemaking to Consider Amending SUBST. R. § 26.412, Relating to Lifeline Service Program and § 26.413, Relating to Link Up Service Program. (Proposal for Adoption) Maria Faconti and Jay Stone
4. Discussion and possible action regarding implementation of state and federal legislation affecting telecommunications markets, current and projected rulemaking projects, and Commission priorities.

ELECTRIC

5. Docket No. 41791; SOAH Docket No. 473-14-0366 - Application of Entergy Texas, Inc. for Authority to Change Rates and Reconcile Fuel Costs. (Preliminary Order) Lisa Carter
6. Docket No. 41852; SOAH Docket No. 473-14-0394 - Application of El Paso Electric Company to Reconcile Fuel Costs. (Preliminary Order) Larry Barnes
7. Docket No. 41334; SOAH Docket No. 473-13-5032 - Application of Southwestern Public Service Company to Amend its Certificate of Convenience and Necessity for a Proposed Transmission Line in Ochiltree and Lipscomb Counties. (Final Order) Mark Hovenkamp
8. Docket No. 41439; SOAH Docket No. 473-13-4067 - Application of Southwestern Electric Power Company to Adjust Energy Efficiency Cost Recovery Factor and Related Relief. (Final Order) Heidi Jackson

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9. Docket No. 41444; SOAH Docket No. 473-13-4068 - Application of Entergy Texas, Inc. for Authority to Redetermine Rates for Energy Efficiency Cost Recovery Factor. (Final Order) John Kramer
10. Docket No. 41445; SOAH Docket No. 473-13-4069 - Application of Sharyland Utilities, LP to Amend Energy Efficiency Cost Recovery Factor and for Good Cause Exception to Administrative Spending Cap. (Final Order) Lisa Carter
11. Docket No. 41446; SOSAH Docket No. 473-13-4070 - Application of Southwestern Public Service Company to Adjust its Energy Efficiency Cost Recovery Factor. (Final Order) Katherine Lengieza-Gross
12. Docket No. 41496; SOAH Docket No. 473-13-4304 - Application of Texas-New Mexico Power Company for Approval of an Energy Efficiency Cost Recovery Factor. (Final Order) Katherine Lengieza-Gross
13. Docket No. 41538; SOAH Docket No. 473-13-4654 - Application of AEP Texas Central Company to Adjust Energy Efficiency Cost Recovery Factor and Related Relief. (Final Order) Larry Barnes and Lisa Carter
14. Docket No. 41539; SOAH Docket No. 473-13-4656 - Application of AEP Texas North Company to Adjust Energy Efficiency Cost Recovery Factor and Related Relief. (Final Order) Larry Barnes and Lisa Carter
15. Docket No. 41540; SOAH Docket No. 473-13-4658 - Application of CenterPoint Energy Houston Electric, LLC for Approval of an Adjustment to its Energy Efficiency Cost Recovery Factor. (Final Order) Katherine Lengieza-Gross
16. Docket No. 41544; SOAH Docket No. 473-13-4657 - Application of Oncor Electric Delivery Company, LLC for 2014 Energy Efficiency Cost Recovery Factor. (Final Order) Mark Hovenkamp
17. Docket No. 41488; SOAH Docket No. 473-13-5278 - Application of Entergy Texas, Inc. for Approval of Modifications to Schedule Interruptible Service. (Final Order) Mark Hovenkamp
18. Docket No. 41850 - Updated Application of Entergy Texas, Inc., ITC Holdings Corp., Mid South Transco LLC, Transmission Company Texas, LC, and ITC Midsouth LLC for Approval of Change of Ownership and Control of Transmission Business, Transfer of Certification Rights and Related Relief. (Discussion and possible action, including Preliminary Order) Heidi Jackson and John Kramer
19. Docket No. 41789 - Joint Petition of Oncor Electric Delivery Company, LLC and the United States Department of Veterans Affairs for Good Cause Exceptions to Oncor Tariff for Retail Delivery Service § 6.3.4, Agreement for Interconnection and Parallel Operation of Distributed Generation. (Final Order) Irene Montelongo

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20. Docket No. 41822 - Agreed Notice of Violation and Settlement Agreement Relating to South Texas Electric Cooperative's Violation of PURA § 39.151(j), P.U.C. SUBST. R. § 25.503(f)(2), and ERCOT § 6.5.7.6.2.3(4) and § 8.1.1.4.3(3)(b) Related to Non-Spinning Reserve Service Energy Deployment Criteria. (Final Order) Irene Montelongo
21. Docket No. 41832 - Agreed Notice of Violation and Settlement Agreement Relating to Direct Energy, L.P.'s Violation of PURA §§ 17.004 and 39.101 as well as P.U.C. SUBST. R. 25.474, 25.475 and 25.485, Concerning Customer Protection Rules for Retail Electric Service. (Final Order) Irene Montelongo
22. Docket No. 41897 - Agreed Notice of Violation and Settlement Agreement Relating to EDF Trading North America's Violation of PURA § 39.151(j), P.U.C. SUBST. R. § 25.503(f)(2), and ERCOT Protocol § 8.1.1.4.3(b) Related to Non-Spinning Reserve Service Energy Deployment Criteria. (Final Order) Irene Montelongo
23. Project No. 41615 - Rulemaking to Revise P.U.C. SUBST. R. § 25.107, Certification of Retail Electric Providers (REPs). (Proposal for Publication) Maria Faconti, Janis Erwin and Kaitlin Van Zee
24. Project No. 41622 - Rulemaking to Propose New Substantive Rule 25.245, Relating to Recovery of Expenses for Ratemaking Proceedings. (Discussion and possible action) Darryl Tietjen and A.J. Smullen
25. Project No. 41937 - Review of Chapter 25 - Substantive Rules Applicable to Electric Service Providers Pursuant to the Administrative Procedure Act § 2001.039. (Proposal for Publication of Notice of Intention to Review Chapter 25) Adriana Gonzales
26. 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
27. Project No. 41060 - Proceeding to Examine the Inputs Included in the ERCOT Capacity, Demand and Reserves Report. (Discussion and possible action)
28. Project No. 41061 - Rulemaking Regarding Demand Response in the Electric Reliability Council of Texas (ERCOT) Market. (Discussion and possible action)
29. Project No. 40000 - Commission Proceeding to Ensure Resource Adequacy in Texas. (Discussion and possible action) Diana Leese and Jason Haas
30. Project No. 37344 - Information Related to the Entergy Regional State Committee. (Discussion and possible action)
31. Project No. 41210 - Information Related to the Southwest Power Pool Regional State Committee. (Discussion and possible action)

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32. Project No. 41211 - Information Related to the Organization of MISO States. (Discussion and possible action)
33. 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.
34. Discussion and possible action regarding implementation of state and federal legislation, affecting electricity markets, current and projected rulemaking projects, and Commission priorities.

GENERAL

35. 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.
36. Discussion and possible action regarding customer service issues, including but not limited to correspondence and complaint issues.
37. Discussion and possible action on infrastructure reliability, emergency management, and homeland security.
38. 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

Enforcement of Final Order in Docket No. 41049

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

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

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

Exelon Wind, LLC v. PUC, Cause No. D-1-GN-10-004130, Travis County District Court (Docket No. 37361)

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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, Travis County District Court, D-1-GN-12-002111 (White Stallion)

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 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, Travis County District Court, D-1-GN-11-000036, (White Stallion)

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 Appeals Courts

CenterPoint Energy Houston Electric, LLC v. Public Utility Commission, 03-11-00065-CV, in the Third Court of Appeal (Appeals of Docket No. 36952)

City of Dallas v. Public Utility Commission, 03-11-00635-CV, in the Third Court of Appeals (Appeal of Docket No. 38630)

Oncor Electric Delivery Company, LLC v. Public Utility Commission, 03-11-00233-CV, in the Third Court of Appeals (Appeal of Docket No. 36530)

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)

Wilks Ranch v. Public Utility Commission, 03-12-00164-CV, in the Third Court of Appeals (Appeal of Docket No. 38230)

Texas Supreme Court

Federal Courts

Contemplated filings regarding Energy Future Holdings Corporation and its subsidiaries under title 11 of the United States Code

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)

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

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.

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

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. 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.

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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. ER12-2682, Midwest Independent Transmission System Operator, Inc.

FERC Docket No. ER12-2683, Entergy Services, Inc.

FERC Docket No. ER12-2693, Entergy Services, Inc.

FERC ER 13-432, Entergy Services, Inc. (Proceeding to Amend Entergy System Agreement Regarding Exiting of Entergy Arkansas and Move to MISO)

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. 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

FERC Docket No. EL12-107-000, EC12-145-000, ER12-2681-000, ITC Holdings Corporation Entergy Corporation Midwest Independent Transmission System Operator, Inc.

FERC Docket No. EL13-41-000, Occidental Chemical Corp v. MISO

FERC Docket No. ER13-665-000 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

FERC Docket No. ER13-1317, Energy Arkansas, Inc.

FERC Docket No. EL13-43-000, Counsel of the City of New Orleans (Petition for Declaratory Order regarding QF pricing)

FERC Docket No. EL 13-782-000, ITC Arkansas LLC, et al. (Accounting and Ratemaking Treatment for Pension and OPEB Costs)

FERC Docket No. EL13-61-000, 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

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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. ER14-80 (System Agreement Amendments - termination date), Entergy Services, Inc.

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

Pursuant to Section 551.045 of the Texas Government Code, the Public Utility Commission of Texas gives supplemental notice that it will add an item to the agenda of the meeting previously noticed to convene on October 25, 2013. The addition of this item will allow the Commission to address a reasonably unforeseeable situation that could affect the operations of Entergy Texas. On October 18, 2013, Entergy Texas, Inc. filed at the Federal Energy Regulatory Commission in Docket No. ER14-128 its Notice of Cancellation that would result in the termination of ETI's participation in the Entergy System Agreement as provided by that agreement. Timely intervention in this matter is required by November 1, 2013. The Commission intends to discuss this filing with legal counsel and, if appropriate, to take immediate action to intervene in the FERC proceedings and address this Notice of Cancellation.

- 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.