

# ***PUBLIC UTILITY COMMISSION OF TEXAS***

## **OPEN MEETING AGENDA FRIDAY, MAY 16, 2014, 9:30 A.M. Commissioners' Hearing Room 7th Floor, William B. Travis Building**

The following items will be taken up first without discussion: 1, 4, 7, 8, 9, 10, 11, 24, 25, 26  
The following item will not be taken up: 12

Item No. 30 (Closed Session) will be taken up at 1:30 p.m.

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

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### **COMMUNICATIONS**

1. Docket No. 42143 - Application of Dell Telephone Cooperative, Inc. to Recover Funds from the Texas Universal Service Fund Pursuant to P.U.C. SUBST. R. § 26.406. (Final Order) Irene Montelongo
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. 40953; SOAH Docket No. 473-13-2490 - Complaint of Johnny H. and Eloise Vinson Against Oncor Electric Delivery Company, LLC. (Final Order) John Kramer
4. Docket No. 41791; SOAH Docket No. 473-14-0366 - Application of Entergy Texas, Inc. for Authority to Change Rates and Reconcile Fuel Costs. (Final Order) Lisa Carter
5. Docket No. 41879; SOAH Docket No. 473-14-1022 - Compliance Tariff of AEP Texas Central Company and AEP Texas North Company Related to Non-Standard Metering Service Pursuant to P.U.C. SUBST. R. 25.133. (Final Order) Laura Buchanan
6. Docket No. 41906; SOAH Docket No. 473-14-1253 - Compliance Tariff of CenterPoint Energy Houston Electric, LLC Related to Non-Standard Metering Service Pursuant to P.U.C. SUBST. R. 25.133. (Final Order) Laura Buchanan
7. Docket No. 38678 - Issues Severed from Docket No. 38045 Regarding CREZ Projects McCamey A to Odessa and McCamey C to McCamey A. (Final Order) Irene Montelongo
8. Docket No. 42212 - Petition of El Paso Electric Company to Approve Revisions to the Deemed Savings for the Appliance Recycling Market Transformation Program. (Final Order) Susan E. Goodson

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9. Docket No. 42258 - Application of MidAmerican Geothermal, LLC Pursuant to Section 39.158 of the Public Utility Regulatory Act. (Final Order) Irene Montelongo
10. Docket No. 42331 - Agreed Notice of Violation and Settlement Agreement Relating to Constellation Energy Commodities Group, Inc.'s Violations of PURA § 39.151 and P.U.C. SUBST. R. § 25.503; Relating to Failure to Adhere to ERCOT Zonal Operating Guide § 1.8.2 Relating to System Operator Training Criteria. (Final Order) Irene Montelongo
11. Docket No. 42375 - Agreed Notice of Violation and Settlement Agreement Relating to Just Energy Texas, L.P.'s Violations of PURA §§ 17.004 and 39.101(B), as well as P.U.C. SUBST. R. § 25.474, 25.479, and 25.483, Related to Customer Protection Rules for Retail Electric Service. (Final Order) Irene Montelongo
12. Project No. 41616 - Rulemaking to Revise P.U.C. SUBST. R. § 25.272, Code of Conduct for Electric Utilities and Their Affiliates. (Proposal for Adoption) Adrian Eissler and Janis Ervin
13. Project No. 41905 - Rulemaking Proceeding to Amend P.U.C. SUBST. R. § 25.236, Relating to Recovery of Fuel Costs. (Proposal for Adoption) Brennan Foley and Therese Harris
14. Project No. 42302 - Review of the Reliability Standard in the ERCOT Region. (Discussion and possible action) Julia Harvey and Jason Haas
15. 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
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. 40000 - Commission Proceeding to Ensure Resource Adequacy in Texas. (Discussion and possible action) Diana Leese and Jason Haas
19. Project No. 37344 - Information Related to the Entergy Regional State Committee. (Discussion and possible action)
20. Project No. 41210 - Information Related to the Southwest Power Pool Regional State Committee. (Discussion and possible action)

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21. Project No. 41211 - Information Related to the Organization of MISO States. (Discussion and possible action)
22. 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.
23. Discussion and possible action regarding implementation of state and federal legislation, affecting electricity markets, current and projected rulemaking projects, and Commission priorities.

**GENERAL**

24. Project No. 42156 - Request for Proposal to Manage and Operate the Audio Newspaper Assistance Program (ANP), RFP No. 473-14-00309. (Discussion and possible action with respect to Delegation of Authority to the Executive Director) Jay Stone
25. Project No. 42235 - Request for Proposal for Texas Universal Service Fund Audit, RFP No. 473-14-00310. (Discussion and possible action with respect to Delegation of Authority to the Executive Director) Jay Stone
26. Project No. 42478 - Request for Proposals for Assistance in Reviewing Potential Change in Control Filing of Energy Future Holdings Corporation. (Discussion and possible action with respect to Delegation of Authority to the Executive Director) Tom Hunter
27. 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.
28. Discussion and possible action regarding customer service issues, including but not limited to correspondence and complaint issues.
29. Discussion and possible action on infrastructure reliability, emergency management, and homeland security.
30. 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**

CenterPoint Energy Houston Electric, LLC v. Public Utility Commission, No. D-1-GN-12-003677 in the 53<sup>rd</sup> Judicial District Court of Travis County, Texas

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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)

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)

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 (199<sup>th</sup> 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

District Court (Appeal of Docket No. 40127)

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

Hwy 3 MHP LLC v. Public Utility Commission, D-1-GN-12-002380, 250<sup>th</sup> Judicial District Court of Travis County Texas.

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, 200<sup>th</sup> Judicial District, Travis County District Court; Pioneer Natural Resources USA, Inc. v. Public Util. Comm'n, No. D-1-GN-06-003209, 126<sup>th</sup> 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 162<sup>nd</sup> District Court of Dallas County, Texas

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

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**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)

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)

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

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

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

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**

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.)

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)

Environmental Protection Agency v. EME Homer City Generation, United States Supreme Court, No. 12-1182

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.

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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, Entergy Services, Inc.

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

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

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

FERC Docket No. ER09-833, 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. (Powered System Agreement to Include Cancellation Costs of Little Gypsy Gas Plant)

FERC Docket No. ER12-2681, Entergy Services, Inc.

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

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

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. 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.

FERC Docket No. ER 14-1645, Entergy Texas, Inc., Midcontinent Independent System Operator, Inc.

FERC Docket No. EL00-66 and EL95-33, 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. EL13-43, Counsel of the City of New Orleans (Petition for Declaratory Order regarding QF pricing)

FERC Docket No. ER13-782, ITC Arkansas LLC, et al. (Accounting and Ratemaking Treatment for Pension and OPEB Costs)

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

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

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FERC Docket No. EL09-77, 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. 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. EL11-62, Petition for Creation of a Joint Federal-State Board to Study Electric Reliability

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. EL14-28, Occidental Corporation (complaint re-action by LPSC re QFs)

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

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

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

- 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.*