

PUBLIC UTILITY COMMISSION OF TEXAS

OPEN MEETING AGENDA THURSDAY, AUGUST 7, 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, 2, 3, 4, 5, 12, 14, 15, 17, 18, 19, 20

The following item will not be taken up: 16, 23

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

WATER

1. Project No. 41894 - Activities Related to Transfer the Water Program from TCEQ to PUCT. (Discussion and possible action with respect to Delegation of Authority to the Executive Director for an MOU with TCEQ as required under HB 1600) Tom Hunter

COMMUNICATIONS

2. Docket No. 41682 - Commission Staff's Petition to Establish a Reasonable Rate for Basic Local Telecommunications Service Pursuant to P.U.C. SUBST. R. 26.404 for CenturyTel of San Marcos, Inc. d/b/a CenturyLink, CenturyTel of Lake Dallas, Inc. d/b/a CenturyLink, and CenturyTel of Port Aransas, Inc. d/b/a CenturyLink (Severed from Docket No. 41097). (Final Order) Susan E. Goodson
3. Docket No. 42254 - Application of Southwest Arkansas 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
4. Docket No. 42276 - Application of Border to Border Communications, Inc. to Recover Funds from the Texas Universal Service Fund Pursuant to PURA § 56.025 and P.U.C. SUBST. R. 26.406. (Final Order) Irene Montelongo
5. Project No. 42477 - Rulemaking to Amend P.U.C. SUBST. R. 26.111 and Chapter 26 as needed, to Implement Sections of S.B. 259, 83rd Legislative Regular Session. (Proposal for Publication) Meena Thomas and Maria Faconti
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. 41359; SOAH Docket No. 473-13-5577 - Application of El Paso Electric Company to Amend its Certificate of Convenience and Necessity for the Proposed

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- Montana Power Station Intersect with Caliente to Coyote 115-kV Transmission Line in El Paso County. (Final Order) John Kramer
8. Docket No. 41809; SOAH Docket No. 473-14-0371 - Application of El Paso Electric Company to Amend its Certificate of Convenience and Necessity for the Proposed Montana Power Station to Montwood Substation 115-kV Transmission Line in El Paso County. (Final Order) John Kramer
 9. Docket No. 41756; SOAH Docket No. 473-14-0807 - Application of Texas-New Mexico Power Company to Amend its Certificate of Convenience and Necessity for the Proposed Westminister 138-kV Transmission Line in Collin County. (Final Order) Hannah Turner
 10. Docket No. 41921; SOAH Docket No. 473-14-1961 - Application of Southwestern Public Service Company to Amend a Certificate of Convenience and Necessity for a Proposed 115-kV Transmission Line within Bailey and Parmer Counties. (Final Order) Laura Buchanan, David Smeltzer and Hannah Turner
 11. Docket No. 42063; SOAH Docket No. 473-14-1903 - Application of Sharyland Utilities, LP to Amend its Certificate of Convenience and Necessity (CCN) for the Proposed Antelope-Elk Energy Center to White River 345-kV Transmission Line in Hale and Floyd Counties. (Discussion) Laura Buchanan
 12. Docket No. 42486; SOAH Docket No. 473-14-3448 - Application of Sharyland Utilities, LP to Adjust the Energy Efficiency Cost Recovery Factor and for Related Relief. (Final Order) Lisa Carter
 13. Docket No. 41790 - Odessa Power Partners, LP's Appeal and Complaint Against ERCOT's Denial of Settlement Disputes. (Discussion and possible action, including Motion to Dismiss) Susan E. Goodson and Laura Buchanan
 14. Docket No. 42240 - Petition of Cross Texas Transmission, LLC for Determination of Disposition of CREZ Financial Commitment Collateral. (Final Order) Susan E. Goodson
 15. Docket no. 42326 - Application of Lyntegar Electric Cooperative, Inc. for Approval of Transmission Cost of Service and Initial Wholesale Transmission Rates. (Final Order) Irene Montelongo
 16. Docket No. 42444 - Complaint of CTMGT Frisco 113, LLC Against Oncor Electric Delivery Company, LLC and Rock Hill Enterprises, Ltd. (Final Order) Irene Montelongo
 17. Docket No. 42475 - Remand of Docket No. 40127 (Notice of Violation by Energy Curtailment Specialists, Inc. of P.U.C. SUBST. R. § 25.503(f)(2) and ERCOT Protocols § 8.1.3.1(6)(a) and 8.1.3.1(6)(f) Related to Oversight of Wholesale Market Participants). (Final Order) Irene Montelongo

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18. Docket No. 42563 - Non-Standard True-Up Filing of AEP Texas Central Company Pursuant to the Financing Order in Docket No. 32475. (Final Order) Irene Montelongo
19. Docket No. 42634 - 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
20. Docket No. 42637 - Agreed Notice of Violation and Settlement Agreement Relating to Texas-New Mexico Power Company's Violation of PURA § 38.005 and P.U.C. SUBST. R. § 25.52, Concerning Reliability and Continuity of Service. (Final Order) Irene Montelongo
21. 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
22. 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
23. 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 AJ Smullen
24. Project No. 42330 - Rulemaking Proceeding to Propose New Procedural Rule 22.146, Relating to Limitations on Discovery in Rate Proceedings. (Discussion and possible action) Darryl Tietjen and Thomas Tynes
25. Project No. 42647 - ERCOT Planning and System Costs Associated with Renewable Resources and New Large DC Ties. (Discussion and possible action) Liz Kayser
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. 42302 - Review of the Reliability Standard in the ERCOT Region. (Discussion and possible action) Julia Harvey and Jason Haas

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30. Project No. 40000 - Commission Proceeding to Ensure Resource Adequacy in Texas. (Discussion and possible action) Diana Coleman and Jason Haas
31. Project No. 37344 - Information Related to the Entergy Regional State Committee. (Discussion and possible action)
32. Project No. 41210 - Information Related to the Southwest Power Pool Regional State Committee. (Discussion and possible action)
33. Project No. 41211 - Information Related to the Organization of MISO States. (Discussion and possible action)
34. 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.
35. Discussion and possible action regarding implementation of state and federal legislation, affecting electricity markets, current and projected rulemaking projects, and Commission priorities.

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

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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)

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)

Texas Supreme Court

Federal Courts

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

Electric 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

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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)

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)

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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

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. ER14-2245, 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.

- b. Consultation with its attorneys, pursuant to Tex. Gov't Code § 551.071(2).

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- 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.