PUBLIC UTILITY COMMISSION OF TEXAS

OPEN MEETING AGENDA
THURSDAY, DECEMBER 1, 2016, 9:30 A.M.
Commissioners' Hearing Room
7th Floor, William B. Travis Building

Project No. 45448 - Open Meeting Agenda items without an associated control number.

COMMUNICATIONS

1. Docket No. 42660; SOAH Docket No. 473-15-3697 - Application of GS Texas Ventures, LLC for Designation as an Eligible Telecommunications Carrier (ETC) and an Eligible Telecommunications Provider (ETP). (Final Order) Hannah Turner

2. Docket No. 46454 - Agreed Notice of Violation and Settlement Agreement Regarding AT&T Texas's Violation of 16 TAC § 26.30, Relating to Complaints. (Final Order) Irene Montelongo

3. Project No. 45634 - 2017 Report on the Scope of Competition in Telecommunications Markets in Texas. (Discussion and possible action). Fred Goodwin and Liz Kayser

4. Project No. 46334 - 2016 Texas No Call Report. (Discussion and possible action) Chris Burch and Mick Long

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

ELECTRIC

6. Docket No. 46420 - Application of Sherbino II Wind Farm, LLC for Renewable Energy Credit Generator Certification. (Motion for Rehearing) Davida Dwyer

7. Docket No. 46238 - Joint Report and Application of Oncor Electric Delivery Company, LLC and Nextera Energy, Inc. for Regulatory Approvals Pursuant to PURA §§ 14.101, 39.262 and 39.915. (Discussion and possible action, including Preliminary Order) Lisa Carter

8. Docket No. 46407; SOAH Docket No. 473-17-0942 - Complaint of Dan Agan Against Entergy Texas, Inc. (Preliminary Order) Adrianne Waddell

9. Docket No. 46050; SOAH Docket No. 473-16-4822 - Application of AEP Texas Central Company, AEP Texas North Company, and AEP Utilities, Inc. for Approval of Merger. (Final Order) Hannah Turner

10. Docket No. 45624; SOAH Docket No. 473-16-2751 - Application of the City of Garland to Amend a Certificate of Convenience and Necessity for the Rusk to Panola Double-Circuit 345-kV Transmission Line in Rusk and Panola Counties. (Discussion and possible action) David Hrncir

11. Docket No. 46453 - Agreed Notice of Violation and Settlement Agreement Relating to Violation by NRG Texas Power, LLC of PURA § 39.151(j) and 16 TAC § 25.503(f)(2), Concerning Compliance with ERCOT Protocols § 8.1.1.4.3(3) Relating to Non-Spinning Reserve Service Energy Deployment Criteria. (Final Order) Irene Montelongo

12. Docket No. 46455 - Agreed Notice of Violation and Settlement Agreement Relating to Entergy Texas, Inc.'s Violation of PURA § 38.005 and 16 TAC § 25.52, Concerning Reliability and Continuity of Service. (Final Order) Irene Montelongo

13. Docket No. 46479 - Agreed Notice of Violation and Settlement Agreement Relating to CPS Energy's Violation of PURA § 39.151(j), 16 TAC § 25.503, and ERCOT Operating Guide § 2.2.7, Relating to Governor Testing Requirements. (Final Order) Irene Montelongo

14. Project No. 44592 - Relating to a Project Regarding Sharyland Utility Complaints. (Discussion and possible action)

15. Project No. 45078 - Rulemaking Related to Distributed Generation Interconnection Agreements. (Proposal for Adoption) Jessica Morgan, Kristen Abbott and David Smithson

16. Project No. 46046 - Report on Alternative Ratemaking Mechanisms (PURA § 36.210(h-1)). (Discussion and possible action). Darryl Tietjen

17. Project No. 45635 - Scope of Competition in Electric Markets Report. (Discussion and possible action). Kristin Abbott, Liz Kayser and Julia Harvey

18. Project No. 46302 - Request for Proposal for an Evaluation, Measurement and Verification Program. (Discussion and possible action with respect to delegation of authority to the Executive Director) Kasey Feldman-Thomason

19. Project No. 46335 - 2016 Summary of Customer Complaints and Enforcement Activities. (Discussion and possible action) Chris Burch and Mick Long

20. 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) Margaret Pemberton and Jacob Lawler

21. Project No. 42302 - Review of the Reliability Standard in the ERCOT Region. (Discussion and possible action) Julia Harvey and Jason Haas

22. Project No. 42750 - Matters Pertaining to or Arising Out of the Chapter 11 Bankruptcy of Energy Future Holdings. (Discussion and possible action) Brian Lloyd

23. Project No. 37344 - Information Related to the Entergy Regional State Committee. (Discussion and possible action)

24. Project No. 41210 - Information Related to the Southwest Power Pool Regional State Committee. (Discussion and possible action)

25. Project No. 41211 - Information Related to the Organization of MISO States. (Discussion and possible action)

26. 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.

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

WATER

28. Docket No. 44356; SOAH Docket No. 473-17-0943.WS - Application of City of Burleson to Amend a Sewer Certificate of Convenience and Necessity in Johnson and Tarrant Counties (37980-C). (Preliminary Order) Lisa Carter

29. Docket No. 45995; SOAH Docket No. 473-17-0952.WS - Michael Dutschmann's Appeal of the Cost of Service from Spring Valley Water Supply Corporation in McLennan County. (Preliminary Order) Hannah Turner

30. Docket No. 46483; SOAH Docket No. 473-17-0964.WS - Petition of Shady Hollow Municipal Utility District from the Ratemaking Actions of the City of Austin and Request for Interim Rates in Travis County. (Preliminary Order) Mark Hovenkamp

31. Docket No. 43330; SOAH Docket No. 473-15-1762.WS - Application of Goldenrod Estates Homeowners Association, Inc. for a Rate/Tariff Change (37925-R). (Final Order) John Kramer

32. Docket No. 45248; SOAH Docket No. 473-16-2099.WS - Ratepayers' Appeal of the Decision by the City of Fritch to Change Rates. (Final Order) Davida Dwyer

33. Docket No. 46378 - Aqua Texas, Inc.'s Notice of Intent to Provide Sewer Service to the Area Decertified from Gulf Coast Waste Disposal Authority in Chambers County. (Final Order) Irene Montelongo

34. Docket No. 46379 - Aqua Texas, Inc.'s Notice of Intent to Provide Sewer Service to the Area Decertified from Gulf Coast Waste Disposal Authority in Chambers County. (Final Order) Irene Montelongo

35. Docket No. 46380 - Aqua Texas, Inc.'s Notice of Intent to Provide Sewer Service to the Area Decertified from Gulf Coast Waste Disposal Authority in Chambers County. (Final Order) Irene Montelongo

36. Project No. 46151 - Project to Amend 16 TAC § 24.113, Relating to Revocation or Amendment of a Water or Sewer Certificate and § 24.120 Relating to Single Certification in Incorporated or Annexed Areas. (Proposal for Publication) Kennedy Meier and Tammy Benter

37. Project No. 45111 - Project to Amend Chapter 24 for Non-Rate Related Water/Sewer Rules. (Proposal for Adoption) Erika Garcia

38. Project No. 45113 - P.U.C. Rulemaking Proceeding to Amend Chapter 24 for Water/Sewer Rules for Rate Appeals. (Proposal for Adoption) Doug Brown and Sean Scaff

39. Project No. 45320 - Price Indexes Established Under Texas Water Code § 13.187(b) and 16 Texas Administrative Code § 24.36(g). (Discussion and possible action, including setting price index) Anjuli Winker

40. Discussion and possible action regarding implementation of state legislation affecting water and sewer companies, current and projected rulemaking projects, and Commission priorities.

GENERAL

41. Project No. 45319 - Interest Rate Set Under Texas Utilities Code § 183.003 and Set for Overcharges and Undercharges Under 16 Texas Administrative Code §§ 25.28, 25.480, and 26.27. (Discussion and possible action, including setting interest rates) Anjuli Winker

42. Project No. 46564 - P.U.C. Rulemaking Proceeding Related to Commission Employee Training and Education. (Proposal for Publication) Kasey Feldman-Thomason

43. 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.

44. Discussion and possible action regarding customer service issues, including but not limited to correspondence and complaint issues.

45. Discussion and possible action on infrastructure reliability, emergency management, and homeland security.

46. Adjournment for closed session to consider one or more of the following items:

a. Under Tex. Gov't Code § 551.071(1), contemplated litigation, settlement offers, and pending litigation that includes but is not limited to the following matters:

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 Austin, Texas v. Public Utility Commission of Texas and State Office of Administrative Hearings and North Austin Municipal Utility District No. 1, Northtown Municipal Utility District, Travis County Water Control and Improvement District No. 10 and Wells Branch Municipal Utility District, D-1-GN-15-000513, (200th District Court, Travis County Texas)

City of Austin, Texas v. Public Utility Commission of Texas and State Office of Administrative Hearings and North Austin Municipal Utility District No. 1, Northtown Municipal Utility District, Travis County Water Control and Improvement District No. 10 and Wells Branch Municipal Utility District, D-1-GN-16-001344, (201st District Court, Travis County Texas)
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

Harris County Hospital District v. Public Utility Commission, Cause No. D-1-GN-15-005808, 250th District Court, Travis County

Panda Power Generation Infrastructure Fund, LLC, d/b/a Panda Power Funds, et al v. Electric Reliability Council of Texas, No. CV-16-0401 (15th District Court, Grayson County, Texas)

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)

Town of Woodloch v. PUC, Cause No. D-1-GN-16-002228, Travis County District Court (Appeal of Docket No. 42862)

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)

Entergy Texas, Inc. v. Public Utility Commission, No. 16-0385 in the Supreme Court of Texas (Appeal of Docket No. 39896)

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, No. 15-0005 in the Texas Supreme Court (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.

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

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, et al. v. GDF SUEZ Energy North America, et al. No. 15-20125 (United States Court of Appeals for the Fifth Circuit)

CPV Maryland, LLC v. PPL EnergyPlus, LLC, Case No. 14-623, (United States Court of Appeals for the Fourth Circuit)

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)

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

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

Federal Energy Regulatory Commission v. Electric Power Supply Association, et al., Case No. 14-840 and EnerNoc, Inc. et al., v. Electric Power Supply Association, et al., Case No. 14-841 (United States Supreme Court)

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

Hughes v. PPL EnergyPlus, LLC, Case No. 14-614, (United States Court of Appeals for the Fourth Circuit)

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

State of Texas, *et al*, v. U.S. Environmental Protection Agency, Case No. 16-60118 (United States Court of Appeals for the 5th Circuit)

State of West Virginia, *et al*, v. U.S. Environmental Protection Agency, Case No. 15-1363 (United States Court of Appeals for the District of Columbia Circuit)

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. ER07-683, Entergy Services, Inc. (System Agreement)

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

FERC Docket No. EL09-61, Louisiana Public Service Commission v. Entergy Services, Inc. (Off-system sales)

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. 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. ER15-1437, Entergy Services, Inc. (Union Power)

FERC Docket No. AC15-70, Entergy Services, Inc. (Union Power)

FERC Docket No. EC15-98, Entergy Services, Inc. (Union Power)

FERC Docket No. ER15-2633, Entergy Services, Inc. (ESI/EMI service agreement)

FERC Docket No. ER17-81, Entergy Services, Inc. Proposal Regarding Proceeds of a DOE Breach of Contract Award

FERC Docket No. ER17-89, Entergy Services, Inc. Proposal Regarding its Attachment O Transmission Formula Rate

ENTERGY BANDWIDTH

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

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

FERC Docket No. ER08-1056, Entergy Services, Inc. (Bandwidth)

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

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

FERC Docket No. ER10-1350, Entergy Services, Inc. (Bandwidth)

FERC Docket No. ER11-3658, Entergy Services, Inc. (Bandwidth)

FERC Docket No. ER12-1920, Entergy Services, Inc. (Bandwidth)

FERC Docket No. EL10-65, Louisiana v. Entergy (Bandwidth)

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. ER14-2085, Entergy Services, Inc. (2013 bandwidth payment)

FERC Docket No. ER 15-1826, Entergy Services, Inc. (Bandwidth)

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. EL15-66, Entergy Export Customers 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.EL16-46, LS Power Development, LLC and Cross Texas Transmission, LLC

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)

FERC Docket No. ER16-56, Midcontinent Independent System Operator (hurdle rate)

FERC Docket No. EL16-112, Coalition of MISO Transmission Customers v. MISO (complaint)

FERC Docket No. ER17-284, MISO's Proposal Regarding a Competitive Retail Capacity Market

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.

FERC Docket No. ER16-1772, Public Service Company of Colorado, Southwest Public Service Company

FERC Docket No. TX 16-1, Public Service Company of Oklahoma

b. Under Tex. Gov't Code § 551.071(2), consultation with its attorneys.

c. Under Tex. Gov't Code § 551.074, personnel matters, including the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Executive Director, the Deputy Executive Director, the Division Directors or any other public officer or employee of the Commission.

d. Under Tex. Gov't Code § 551.076, security matter, including deployment and implementation of security personnel or devices or security audits; including matters under Project No. 24729.

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

OPEN MEETING AGENDA
DECEMBER 1, 2016

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.