

PUBLIC UTILITY COMMISSION OF TEXAS

OPEN MEETING AGENDA THURSDAY, FEBRUARY 9, 2017, 9:30 A.M. Commissioners' Hearing Room 7th Floor, William B. Travis Building

The following item will be taken up first without discussion: 1, 2, 3, 6, 10, 11, 13, 16, 20, 29, 30, 31, 32, 33, 34, 38, 39, 41

The following item will not be taken up: 15

Project No. 46665 - Open Meeting Agenda items without an associated control number.

ELECTRIC

1. Docket No. 46093; SOAH Docket No. 473-17-2121 - Notice of Violation Relating to Trusmart Energy, LLC's Violation of PURA § 39.352, Related to Certification of Retail Electric Providers; 16 TAC § 25.107, Related to Certification of Retail Electric Providers, and 16 TAC § 25.214, Related to Terms and Conditions of Retail Delivery Service. (Preliminary Order) Hannah Turner
2. Docket No. 46496; SOAH Docket No. 473-17-2070 - Application of Southwestern Public Service Company for an Accounting Order Related to Back-Billed Charges by the Southwest Power Pool, Inc. (Preliminary Order) Lisa Carter
3. Docket No. 46602; SOAH Docket No. 473-17-2086 - Appeal of AEP Texas Central Company from an Order of the City of McAllen Regarding Complaint of L&F Distributors. (Preliminary Order) Davida Dwyer
4. Docket No. 45175; SOAH Docket No. 473-16-1119 - Appeal of Brazos Electric Power Cooperative, Inc. and Denton County Electric Cooperative, Inc. d/b/a CoServ Electric from an Ordinance of the Colony, Texas, and in the Alternative, Application for a Declaratory Order. (Final Order) David Hrcir
5. Docket No. 45936; SOAH Docket No. 473-16-4620 - Complaint of Allen Hejl Against Oncor Electric Delivery Company, LLC. (Final Order) Davida Dwyer
6. Docket No. 46075; SOAH Docket No. 473-16-5597 - Application of Southwestern Public Service Company for Authority to Implement a Net Refund Associated with Docket No. 43695. (Final Order) Lisa Carter
7. Docket No. 46076; SOAH Docket No. 473-16-4958 - Application of Entergy Texas, Inc. for Authority to Reconcile Fuel and Purchased Power Costs. (Final Order) David Hrcir
8. Docket No. 46357; SOAH Docket No. 473-17-0686 - Application of Entergy Texas, Inc. for Approval to Amend its Transmission Cost Recovery Factor. (Final Order) Davida Dwyer

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9. 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 Hrcir
10. Docket No. 46724 - Agreed Notice of Violation and Settlement Agreement Relating to Luminant Energy Company, LLC's Violations of PURA § 39.151(j), 16 TAC § 25.503(f)(2), Related to Oversight of Wholesale Market Participants, and ERCOT Protocols § 8.1.1.4.2(1)(a), Related to Performance Criteria for Responsive Reserve Service Energy Development Criteria. (Final Order) Irene Montelongo
11. Docket No. 46733 - Agreed Notice of Violation and Settlement Agreement Relating to Oncor Electric Delivery Company's Violation of PURA § 38.005 and 16 TAC § 25.52, Concerning Reliability and Continuity of Service. (Final Order) Irene Montelongo
12. 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)
13. Project No. 46765 - Rulemaking Relating to Notice in Electric Licensing Proceedings. (Proposal for Publication) Kennedy Meier and Constance McDaniel Wyman
14. Project No. 45625 - Rulemaking Relating to the Use of Portable Electronic Devices for Retail Electric Customer Enrollment. (Proposal for Adoption) Alexander Petak and Cliff Crouch
15. Project No. 45927 - Rulemaking Regarding ERCOT Emergency Response Service. (Proposal for Adoption) Jason Haas and Mark Bryant
16. Project No. 21072 - Goal for Natural Gas. (Discussion and possible action, including Waiver of Filing Requirement and Annual Report for 2017) Werner Roth
17. Project No. 43506 - Review of Subsynchronous Oscillation Study Parameters in the ERCOT Region. (Discussion and possible action) Julia Harvey
18. Project No. 45633 - Project to Identify Issues Pertaining to Lubbock Power and Light's Proposal to Become Part of the Electric Reliability Council of Texas. (Discussion and possible action) Kennedy Meier
19. Project No. 45636 - Year End 2015 Electric Utility Earnings Reports Pursuant to Subst. R. § 25.73. (Discussion and possible action) Jacob Lawler
20. Project No. 46773 - Request for Proposals to Develop a Comprehensive Cybersecurity and Physical Security Outreach Program for Texas Electric Utilities, Electrical Cooperatives, and Municipally Owned Electric Utilities. (Delegation of Authority) Brian Lloyd

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21. 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
22. Project No. 42302 - Review of the Reliability Standard in the ERCOT Region. (Discussion and possible action) Julia Harvey and Jason Haas
23. Project No. 42750 - Matters Pertaining to or Arising Out of the Chapter 11 Bankruptcy of Energy Future Holdings. (Discussion and possible action) Brian Lloyd
24. Project No. 37344 - Information Related to the Entergy Regional State Committee. (Discussion and possible action)
25. Project No. 41210 - Information Related to the Southwest Power Pool Regional State Committee. (Discussion and possible action)
26. Project No. 41211 - Information Related to the Organization of MISO States. (Discussion and possible action)
27. 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.
28. Discussion and possible action regarding implementation of state and federal legislation, affecting electricity markets, current and projected rulemaking projects, and Commission priorities.

WATER

29. Docket No. 46123; SOAH Docket No. 473-17-2084.WS - Application of Rio Brazos Water System for a Rate/Tariff Change. (Preliminary Order) John Kramer
30. Docket No. 46127; SOAH Docket No. 473-17-2069.WS - Application of Westwood Utility Corporation and City of Fairfield for Sale, Transfer, Merger of Facilities and Certificate Rights in Freestone County. (Preliminary Order) Hannah Turner
31. Docket No. 46452; SOAH Docket No. 473-17-2085.WS - Application of Altoga Water Supply Corporation and North Collin Special Utility District for Sale, Transfer, or Merger of Facilities and Certificate Rights in Collin County. (Preliminary Order) Hannah Turner
32. Docket No. 46627; SOAH Docket No. 473-17-2068.WS - Complaint of Cherelle Roberts Against Hornsby Bend Utility Company. (Preliminary Order) John Kramer

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33. Docket No. 46642; SOAH Docket No. 473-17-2120.WS - Complaint of Silverleaf Resorts, Inc. Against Liberty Utilities (Silverleaf Water) LLC, F/K/A Algonquin Water Resources of Texas, LLC. (Preliminary Order) David Hrcir
34. Docket No. 43069; SOAH Docket No. 473-16-3408.WS - Application of Inline Development, LLC for a Rate/Tariff Change. (Final Order) David Hrcir
35. Docket No. 43146; SOAH Docket No. 473-16-2033.WS - Complaint of Carol D. Gillespie Against Avalon Water Supply and Sewer Service Corporation. (Final Order) Carlos Carrasco
36. Docket No. 44657; SOAH Docket No. 473-16-0927.WS - Application of Interim-La Ventana, LLC, La Ventana Water Company, LP, and Southwest Liquids, Inc. for Sale, Transfer, or Merger of Facilities and Certificate Rights in Hays County. (Final Order) John Kramer
37. Docket No. 45679; SOAH Docket No. 473-16-5295.WS - Zipp Road Utility Company LLC's Notice of Intent to Provide Sewer Service to Area Decertified from Guadalupe-Blanco River Authority in Guadalupe County. (Final Order) David Hrcir
38. Docket No. 45844 - Petition of 121 Pinehurst Ltd. to Amend HMW SUD's Certificate of Convenience and Necessity in Montgomery County by Expedited Release. (Final Order) Susan E. Goodson
39. Project No. 46624 - Request for Proposal for Water and Sewer Utility Financial and Managerial Assistance. (Delegation of Authority) Brian Lloyd
40. Discussion and possible action regarding implementation of state legislation affecting water and sewer companies, current and projected rulemaking projects, and Commission priorities.

COMMUNICATIONS

41. Docket No. 46633 - Complaint of Buddy Vaughn Against Frontier Communications. (Final Order) Susan E. Goodson
42. Discussion and possible action regarding implementation of state and federal legislation affecting telecommunications markets, current and projected rulemaking projects, and Commission priorities.

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GENERAL

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)

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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)

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.

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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.)

Energy Texas, Inc. v. Nelson, et al., No. 1:16-CV-277-RP, United States District Court, Austin Division

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)

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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)

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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

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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. 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

FERC Docket No. ER17-387, MISO's Proposal to Amend FF-6 of its tariff

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

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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.

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.