

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

## **OPEN MEETING AGENDA THURSDAY, MAY 4, 2017, 9:30 A.M. Commissioners' Hearing Room 7th Floor, William B. Travis Building**

The following item will be taken up first without discussion: 6, 8, 10, 11, 14, 15, 16

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

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### **WATER**

1. Docket No. 45720; SOAH Docket No. 473-16-3831.WS - Application of Rio Concho Aviation, Inc. for a Rate/Tariff Change. (Final Order) Carlos Carrasco
2. Docket No. 46627; SOAH Docket No. 473-17-2068.WS - Complaint of Cherelle Roberts Against Hornsby Bend Utility Company. (Final Order) John Kramer
3. Docket No. 44665 - Application of 439 Water Supply Corporation and Bell County Water Control and Improvement District 3 for Sale, Transfer, or Merger of Certificate Rights in Bell County. (Final Order) Susan E. Goodson
4. Docket No. 46309 - Petition for an Order Appointing a Manager to Aero Valley Water Service in Denton County. (Discussion and possible action)
5. Docket No. 46553 - Application of Carroll Water Company, Inc. for Authority to Change Rates. (Discussion and possible action)
6. Project No. 46151 - Project to Amend 16 Texas Admin. Code § 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 Adoption) Kennedy Meier and Tammy Benter
7. Discussion and possible action regarding implementation of state legislation affecting water and sewer companies, current and projected rulemaking projects, and Commission priorities.

### **COMMUNICATIONS**

8. Docket No. 46894; SOAH Docket No. 473-17-3349 - Complaint of Mike Coker Against Southwestern Bell Telephone, LP DBA AT&T Texas. (Preliminary Order) John Kramer
9. Docket No. 45280; SOAH Docket NO. 473-16-1861 - Complaint of Extenet Network Systems, Inc. Against the City of Houston for Imposition of Fees for Use of Public Right of Way. (Final Order) Davida Dwyer

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10. Docket No. 46658 - Application of Valley Telephone Cooperative, Inc. for True-Up of 2014 Federal Universal Service Fund Impacts to the Texas Universal Service Fund. (Final Order) Jeffrey J. Huhn
11. Docket No. 46700 - Application of Guadalupe Valley Telephone Cooperative, Inc. Under Section 56.023 of the Public Utility Regulatory Act. (Final Order) Irene Montelongo
12. Discussion and possible action regarding implementation of state and federal legislation affecting telecommunications markets, current and projected rulemaking projects, and Commission priorities.

**ELECTRIC**

13. 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. (Motion for Rehearing) David Hrcir
14. Docket No. 47015; SOAH Docket No. 473-17-3418 - Application of AEP Texas, Inc. to Amend its Distribution Cost Recovery Factors. (Preliminary Order) Davida Dwyer
15. Docket No. 47032; SOAH Docket No. 473-17-3495 - Application of CenterPoint Energy Houston Electric, LLC for Approval to Amend its Distribution Cost Recovery Factor. (Preliminary Order) Lisa Carter
16. 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
17. Docket No. 45866; SOAH Docket No. 473-16-4342 - Application of LCRA Transmission Services Corporation to Amend a Certificate of Convenience and Necessity for the Round Rock-Leander 138-kV Transmission Line in Williamson County. (Final Order) Hannah Turner
18. Docket No. 46248; SOAH Docket No. 473-17-0750 - Application of Entergy Texas, Inc. to Amend its Certificate of Convenience and Necessity for a 230-kV Transmission Line within Jefferson, Chambers, and Liberty Counties. (Final Order) Hannah Turner
19. Docket No. 46901 - Joint Petition of Southwestern Public Service Company and Southwest Power Pool, Inc. for a Declaratory Order. (Discussion and possible action) John Kramer and David Hrcir
20. Project No. 41837 - Investigation of the Feasibility of the Institution of Full Co-Optimization in ERCOT Energy Markets. (Discussion and possible action) Julie Harvey

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21. Project No. 46397 - Project to Evaluate the Costs and Benefits of Entergy Texas, Inc.'s Participation in MISO. (Discussion and possible action) Vera Dygert
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.

**GENERAL**

29. 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.
30. Discussion and possible action regarding customer service issues, including but not limited to correspondence and complaint issues.
31. Discussion and possible action on infrastructure reliability, emergency management, and homeland security.
32. Adjournment for closed session to consider one or more of the following items:

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- 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, (200<sup>th</sup> 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, (201<sup>st</sup> 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 (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

Harris County Hospital District v. Public Utility Commission, Cause No. D-1-GN-15-005808, 250<sup>th</sup> 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 (15<sup>th</sup> 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**

City of San Antonio Acting by and Through City Public Service Board A/K/A CPS Energy v. Public Utility Commission, No. 17-0208 in the Supreme Court of Texas

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

**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.

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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)

Crystal Clear Special Utility District v. Nelson, et al. No. 1:17-CV-00254, United States District Court, Austin Division

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

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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 5<sup>th</sup> 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)

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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)

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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

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

FERC Docket No. ER17-1332, Proposed Revisions to the MISO/SPP JOA

**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.

*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.*