PUBLIC UTILITY COMMISSION OF TEXAS

OPEN MEETING AGENDA
June 17, 2011, 9:30 A.M.
Commissioners' Hearing Room
7th Floor, William B. Travis Building

The following items will be taken up first without discussion: 1, 12, 16, 21, 22, 23, 24, 25

Project No. 39008 - Open Meeting Agenda items without an associated control number.

TELECOMMUNICATIONS

1. Docket No. 38873 - Petition of Commission Staff for Determination of Non-Eligibility for Texas Universal Service Fund Disbursements to Windstream Sugar Land, Inc. Pursuant to PURA § 56.025 and P.U.C. SUBST. R. 26.406 and Refund of Disbursements. (Final Order) Andrew Kang

2. Project No. 21208 - Texas Universal Service Fund (TUSF) Administration. (Discussion and possible action) Jay Stone

3. Project No. 39133 - Amendments to Telecommunications Licensing Forms. (Proposal for adoption of amendments to forms) Scottie Aplin and Gordon Van Sickle

4. Project No. 39135 - Request for Proposals to Provide Telecommunications Relay Service in Texas September 1, 2011 to August 31, 2016. (Discussion and possible action) Mike Renfro

5. Project No. 36774 - Project to Track Utilities' Efforts Regarding the American Recovery and Reinvestment Act of 2009. (Discussion and possible action) Jess Totten

6. Discussion and possible action regarding competitive telecommunications issues under the Federal Telecommunications Act of 1996 and the Public Utility Regulatory Act or proposed amendments to those acts.

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

8. Infrastructure Reliability, Emergency Management, and Homeland Security matters. (Discussion and possible action) David Featherston

ELECTRIC

9. Project No. 26793 - PUC Proceeding Related to Retail Market Oversight Activities. Jess Totten

10. Project No. 23100 - PUC Market Oversight Activities. Jess Totten

11. Project No. 31600 - Transition to an ERCOT Nodal Market Design. (Discussion and possible action) Jess Totten

12. Project No. 28073 - PUC Proceeding to Set the System Benefit Fund Fee and Low-Income Discount. (Discussion and possible action) Jay Stone

13. Project No. 39357 - Project to Develop a Standard Form for the Prepaid Disclosure Statement. (Discussion and possible action) Scottie Aplin and Rebecca Reed

14. Docket No. 36633; SOAH Docket No. 473-09-5470 - Petition of CPS Energy for Enforcement against AT&T Texas and Time Warner Cable Regarding Pole Attachments. (Certified Issues) Katherine Lengieza-Gross

15. Docket No. 39362; SOAH Docket No. 473-11-5071 - Application of Texas-New Mexico Power Company for Approval of an Energy Efficiency Cost Recovery. (Supplemental Preliminary Order) Katherine Lengieza-Gross

16. Docket No. 39364; SOAH Docket No. 473-11-5073 - Application of Southwestern Public Service Company for Approval of Energy Efficiency Cost Recovery Factor. (Supplemental Preliminary Order) Mark Hovenkamp

17. Docket No. 38275; SOAH Docket No. 473-11-1920 - Filing of Luminant Generation Company, LLC to Establish Date to Transfer Electric Service in Compliance with Docket No. 30037. (Final Order) Mark Hovenkamp

18. Docket No. 37917; SOAH Docket No. 473-10-5401 - Application of dPi Energy, LLC for an Amendment to its Retail Electric Provider (REP) Certification, Pursuant to SUBST. R. 25.107. (Final Order) Mark Hovenkamp

19. Docket No. 38339; SOAH Docket No. 473-10-5001 - Application of CenterPoint Energy Houston Electric, LLC for Authority to Change Rates. (Motions for Rehearing) Larry Barnes

20. Docket No. 38929; SOAH Docket No. 473-11-2330 - Application of Oncor Electric Delivery Company, LLC for Authority to Change Rates. (Final Order) Katherine Lengieza-Gross and Laura Kennedy

21. Docket No. 38011 - Application of Southwestern Electric Power Company for Approval of Reconciliation of House Bill 11 Tax Adjustment for 2009. (Final Order) Irene Montelongo

22. Docket No. 39297 - Non-Standard True-Up Filing of Entergy Texas, Inc. Pursuant to the Financing Order in Docket No. 33586. (Final Order) Irene Montelongo

23. Docket No. 39320 - Agreed Notice of Violation and Settlement Agreement Relating to Southwestern Electric 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

24. Docket No. 39386 - Agreed Notice of Violation and Settlement Agreement Relating to Alliance Power Company, LLC's Violation of PURA §17.004 and 39.101 and P.U.C. SUBST. R. 25.475, 25.479 and 25.483, Concerning Customer Protection Rules for Retail Electric Service. (Final Order) Irene Montelongo

25. Project No. 39316 - Rulemaking Proceeding to Amend P.U.C. Proc. R. 22.183, Failure to Attend Hearing and Disposition By Default. (Proposal for Publication) Jason Haas

26. Project No. 20970 - Plan for Implementing SB 7, SB 86, and SB 20; Plan for Implementing Other Legislation Relating to Electric Service. Jess Totten

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

28. Project No. 39484 - Project to Monitor ERCOT's Request for Exemptions from Commodity Futures Trading Commission (CFTC) Regulations Under The Dodd-Frank Act (Discussion and possible action)

29. Discussion and possible action on electric utility reliability, electric utility restructuring, ERCOT oversight, market-development, transmission planning, construction, and cost recovery in areas outside of ERCOT, and electric reliability standards and organizations arising under federal law.

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

31. Competitive Renewable Energy Zone (CREZ) Issues and Reports. (Discussion and possible action) David Featherston and Brian Almon

32. Infrastructure Reliability, Emergency Management, and Homeland Security matters. (Discussion and possible action) David Featherston

ADMINISTRATIVE

33. 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.

34. Adjournment for closed session to consider:

    a. litigation matters, pursuant to Tex. Gov't Code § 551.071(a)(1), regarding pending or contemplated litigation, including but not limited to:

    AEP Texas Central Company v. PUC, D-1-GN-07-001153, Travis County District Court; Steering Committee of Cities v. PUC, D-1-GN-07-001144, Travis County District Court. (Appeal of Docket No. 32758)

    AEP Texas Central Company v. PUC, No. 08-0634, Texas Supreme Court. (Appeal of Docket No. 31056)

CenterPoint Energy Houston Electric & Texas Genco v. PUC, et al., Cause No. 08-0421, Texas Supreme Courts. (Appeal of Docket No. 29526)

CenterPoint Energy Houston Electric, LLC v. PUC Rulemaking Proceeding No. 37623, Cause No. 03-10-00633, Third Court of Appeals.

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 Corpus Christi, et al. v. Public Utility Commission, No. D-1-GV-06-000973, 201st Judicial District, Travis County District Court. (Appeal of Docket No. 31433)

Cities of Corpus, et al. v. PUC, D-1-GN-08001522, Travis County District Court. (Appeal of Docket No. 33309)

Cities of Dickinson *et al*. v. PUC, D-1-GN-07-000116, Travis County District Court (Appeal of Docket No. 31994)

City of Bryan v. PUC, D-1-GV-08-002325, Travis County District Court (Appeal of Docket No. 35011)

City of El Paso and El Paso Electric Company v. Public Util. Comm'n. 03-08-00577, in the Third Court of Appeals. (Appeals of Docket No. 26194)

City of Garland v. PUC, D-1-GV-09-001199 (Consolidated), Travis County District Court (Appeal of Docket No. 35665)

City of Kerrville, Kerrville Public Utility Board, and City of Junction vs. PUC, D-1-GV-11-000324, Travis County District Court (Appeal of Docket No. 38354)

City Public Service Board of San Antonio v. Public Util. Comm'n, Cause No. GNO-002343, Travis County District Court. (Appeal of Docket No. 22055)

Constellation Energy v. PUC, No. 03-09-00417-CV, in the Third Court of Appeals (Appeal of Docket No. 33500)

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)

Entergy Texas, Inc. v. PUCT, Cause No. D-1-GN-09-000816, Travis County District Court, 126th District (Appeal of Docket No. 35269)

Anticipated Proceedings before FERC by Southern Cross Transmission LLC and Pattern Power Marketing LLC Concerning DC Ties to Texas

FERC Docket No. ER10-2748, Entergy Services, Inc.

FERC Docket No. ER09-1224, Entergy Services, Inc.

FERC Docket No. ER09-636-000, Entergy Services, Inc.

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

FERC Docket No. ER07-956-000, Entergy Services, Inc.

FERC Docket No. ER09-833-000, Entergy Services, Inc.

FERC Docket No. ER07-682-002, Entergy Services, Inc.

FERC Docket No. ER11-1923, Entergy Services, Inc.

FERC Docket No. ER10-1069, Southwest Power Pool, Inc.

FERC Docket No. EL10-22-000, Tres Amigas, LLC

FERC Docket No. EL10-396-000, Tres Amigas, LLC

FERC Docket No. EL00-66-013 and EL95-33-009, Louisiana Public Service Commission and the City Council of New Orleans

FERC Docket No. EL09-77-000, 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. EL11-34-000, Petition for Declaratory Order and Request for Shortened Notice Period and for Expedited Treatment of the Midwest Independent Transmission System Operator, Inc.

Harris County Hospital District v. PUC, Cause No. D-1-GN-09-002116, Travis County District Court (Docket No. 34332)

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

In the Matter of UTEX Communications Corp., Pursuant to Section 252(e)(5) of the Communications Act, for Preemption of the Jurisdiction of the Public Utility Commission of Texas Regarding Interconnection Disputes with AT&T Texas, FCC DA-09-1643, WC 09-134 (Docket No. 26381)

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)

JD Wind 1, LLC, JD Wind 2, LLC, JD Wind 3, LLC, JD Wind 4, LLC, JD Wind 5, LLC and JD Wind 6, LLC, et al. v. PUC, Cause No. A09CA917SS, Federal District Court (Docket No. 34442).

McCollough v. Public Util. Comm'n, No**.** 13-07-00624-CV, Court of Appeals for the Thirteenth District of Texas. (Appeal of Docket No. 29415)

Mobberley Road & 285 Partners, Ltd., BVJV Wataugua, L.P., and Duck Point Partners, Ltd. v. PUC, D-1-GN-08-000982, Travis County District Court (Appeal of Docket No. 32871)

Nucor Steel v. PUC, Oncor Electric Delivery Co. and Texas Energy Future Holdings Limited Partnership, Travis County District Court, D-1-GN-08-002467. (Appeal of Docket No. 34077)

Occidental Permian Ltd. v. Federal Energy Regulatory Commission, Cause No. 10-1381, DC Circuit Court of Appeals.

Oncor Electric Delivery Company LLC v. Dallas Area Rapid Transit and Fort Worth Transportation Authority, No. 11-0079, Supreme Court of Texas

Pioneer Natural Resources USA, Inc. v. Public Util. Comm'n, No. D-1-GN-06-003805, 200th Judicial District, Travis County District Court; Pioneer Natural Resources USA, Inc. v. Public Util. Comm'n, No. D-1-GN-06-003209, 126th 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 Utility Commission v. State Telephone Texas Corporation, No. D-1-GN10-001980, in the 201st District Court of Travis County, Texas (Enforcement of Docket No. 36991 Order)

Public Utility Comm'n, et al. v. Cities of Harlingen, et al., No. 03-08-00793-CV, Third Court of Appeals (Appeal of Docket No. 33734)

Public Utilities Board of the City of Brownsville v. PUC, Travis County District Court, D-1-GV-08-001459. (Appeal of Docket No. 34410)

Southwest Power Pool, Inc., ER 10-1069.

Southwestern Bell Telephone, L.P. v. Current Communications of Texas, L.P., No. 06-11388 in the 162nd District Court of Dallas County, Texas

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

Talk America, Inc. and Orjiakor N. Isiogu et al. v. Michigan Bell Telephone Company, Nos. 10-313 and 10-329, U.S. Supreme Court

Texas Cable & Telecommunications Association v. Perry, et al., No. A-05-CV-721-LY, Western District of Texas No. A-05-CV-721; U.S. Supreme Court, No. 06-51514

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

Texas Commercial Energy, L.L.C., Case No. 03-20366-C-11, U.S. Bankruptcy Court, Southern District of Texas

Texas Industrial Energy Consumers and Gulf Coast Coalition of Cities v. CenterPoint Energy Houston Electric, LLC, and Pub. Util. Comm'n, Texas Supreme Court, No. 08-0727. (Appeal of Docket No. 30706)

Texas-New Mexico Power, et. al. v. Public Util. Comm'n, No. 08-0187, Supreme Court of Texas. (Appeal of Docket No. 29206)

Texas New Mexico Power Company v. PUC, D-1-GN-09-000071, Travis County District Court. (Appeal of Docket No. 35038)

Utex Communications Corp. v. Public Utility Commission, et al., No. 09-50313, Fifth Circuit Court of Appeals (Docket No. 30459, 26381, 32041, 33323)

Utex Communications Corp., WC Docket No. 09-134 (Docket No. 26381, Petition for Adoption)

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