

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

## **OPEN MEETING AGENDA FRIDAY, FEBRUARY 21, 2014, 9:30 A.M. Commissioners' Hearing Room 7th Floor, William B. Travis Building**

The following items will be taken up first without discussion: 2, 4, 5, 6, 7, 8, 9

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

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### **COMMUNICATIONS**

1. Docket No. 41735 - Commission Staff's Petition to Declassify TUSF Transparency Compliance Reports Filed in Project No. 41505 by Reporting ETC/ETPs. (Final Order) Susan E. Goodson
2. Docket No. 41797 - Application of Blossom Telephone Company, Inc. to Recover Funds from the Texas Universal Service Fund and to Increase Rates Pursuant to P.U.C. SUBST. R. 26.406. (Final Order) Irene Montelongo
3. Discussion and possible action regarding implementation of state and federal legislation affecting telecommunications markets, current and projected rulemaking projects, and Commission priorities.

### **ELECTRIC**

4. Docket No. 42089; SOAH Docket No. 473-14-1904 - Application of Southwestern Electric Power Company for Approval of a Transmission Cost Recovery Factor. (Preliminary Order) Heidi Jackson
5. Docket No. 42180; SOAH Docket No. 473-14-1905 - Application of Southwestern Public Service Company for Authority to Revised its Tariff for Purchase of Non-Firm Energy From Qualifying Facilities. (Preliminary Order) Lisa Carter
6. Docket No. 42073 - Application of Calpine Corporation Pursuant to Section 39.158 of the Public Utility Regulatory Act. (Final Order) Irene Montelongo
7. Docket No. 42155 - Agreed Notice of Violation and Settlement Agreement Relating to NextEra Energy Power Marketing, LLC's Violation of PURA 39.151(j), P.U.C. SUBST. R. 25.505(F)(2), and ERCOT Protocol § 6.4.3.1, Related to Energy Offer Curve for RUC-Committed Resources. (Final Order) Irene Montelongo
8. Project No. 41325 - Rulemaking to Amend P.U.C. SUBST. R. 25.211, Interconnection of On-Site Distributed Generation (DG) and the Pro-Forma DG Interconnection Agreement and Tariff. (Proposal for Adoption) Marie Reyna and Christine Wright

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9. Project No. 41326 - Rulemaking to Amend P.U.C. SUBST. R. 25.213, Relating to Metering for Distributed Renewable Generation. (Proposal for Adoption) Marie Reyna and Christine Wright
10. Project No. 41659 - Rulemaking to Implement Cease and Desist Authority Under PURA Chapter 15 as Required by HB 1600 (83<sup>rd</sup> Regular Legislative Session). (Proposal for Adoption) Jennifer Littlefield and Kaitlin Van Zee
11. 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
12. Project No. 41060 - Proceeding to Examine the Inputs Included in the ERCOT Capacity, Demand and Reserves Report. (Discussion and possible action)
13. Project No. 41061 - Rulemaking Regarding Demand Response in the Electric Reliability Council of Texas (ERCOT) Market. (Discussion and possible action)
14. Project No. 40000 - Commission Proceeding to Ensure Resource Adequacy in Texas. (Discussion and possible action) Diana Leese and Jason Haas
15. Project No. 37344 - Information Related to the Entergy Regional State Committee. (Discussion and possible action)
16. Project No. 41210 - Information Related to the Southwest Power Pool Regional State Committee. (Discussion and possible action)
17. Project No. 41211 - Information Related to the Organization of MISO States. (Discussion and possible action)
18. 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.
19. Discussion and possible action regarding implementation of state and federal legislation, affecting electricity markets, current and projected rulemaking projects, and Commission priorities.

**GENERAL**

20. Project No. 41618 - Proceeding to Evaluate Standards for Representation of Parties (PROC. R. 22.101). (Discussion and possible action) Jacob Lawler

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21. Project No. 42016 - Commission Approval of Comments to the Federal Communications Commission in Response to the "Further Notice of Proposed Rulemaking, Order and Notice of Inquiry NPRM" (Pertaining to the Regulation of Internet Protocol Captioned Telephone Service IP CTS) (Discussion and possible action) Eileen Alter and A.J. Smullen
22. 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.
23. Discussion and possible action regarding customer service issues, including but not limited to correspondence and complaint issues.
24. Discussion and possible action on infrastructure reliability, emergency management, and homeland security.
25. 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**

Enforcement of Final Order in Docket No. 41049

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)

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

Electric Reliability Council of Texas v. HWY 3 MHP LLC, No. D-1-GN-09-003607, Travis County District Court

Energy Curtailment Specialists, Inc. v. Public Utility Commission, No. D-1-GN-13-000815, Travis County District Court (Appeal of Docket No. 40127)

Environmental Defense v. TCEQ (White Stallion), D-1-GN-11-000011

Environmental Defense & Texas Clean Air Cities Coal v. TCEQ (Las Brisas), D-1-GN-11-001364

HWY3 MHP, LLC v. Public Utility Commission, No. D-1-GN-12-002380, Travis County District Court (Appeal of Docket No. 37152)

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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)

Kathryn Runnells et al. v. TCEQ, Travis County District Court, D-1-GN-12-002111 (White Stallion)

Pioneer Natural Resources USA, Inc. v. Public Util. Comm'n, No. D-1-GN-06-003805, 200<sup>th</sup> Judicial District, Travis County District Court; Pioneer Natural Resources USA, Inc. v. Public Util. Comm'n, No. D-1-GN-06-003209, 126<sup>th</sup> 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 Utilities Board of the City of Brownsville v. PUC, Travis County District Court, D-1-GV-08-001459. (Appeal of Docket No. 34410)

Sierra Club v. TCEQ, Travis County District Court, D-1-GN-11-000036, (White Stallion)

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

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

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

**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)

CenterPoint Energy Houston Electric, LLC v. Public Utility Commission, 03-11-00065-CV, in the Third Court of Appeal (Appeals of Docket No. 36952)

City of Dallas v. Public Utility Commission, 03-11-00635-CV, in the Third Court of Appeals (Appeal of Docket No. 38630)

Exelon Wind, LLC v. Public Utility Commission, No. 03-13-00084-CV, in the Third Court of Appeals (Appeal of Docket No. 37361)

Oncor Electric Delivery Company, LLC v. Public Utility Commission, 03-11-00233-CV, in the Third Court of Appeals (Appeal of Docket No. 36530)

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)

Wilks Ranch v. Public Utility Commission, 03-12-00164-CV, in the Third Court of Appeals (Appeal of Docket No. 38230)

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**Texas Supreme Court**

**Federal Courts**

Contemplated filings regarding Energy Future Holdings Corporation and its subsidiaries under title 11 of the United States Code

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)

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

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

Texas Cable & Telecommunications Association v. Perry, et al., No. A-05-CV-721-LY, Western District of Texas No. A-05-CV-721; No. 10-51113, Fifth Circuit Court of Appeals; U.S. Supreme Court, No. 06-51514

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

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

**FCC**

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

**FERC**

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

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

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

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

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

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

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. ER12-2683, Entergy Services, Inc.

FERC Docket No. ER12-2693, Entergy Services, Inc.

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. ER14-1094, 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. EL00-66-013 and EL95-33-009, Louisiana Public Service Commission and the City Council of New Orleans

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

FERC Docket No. EL13-43-000, Counsel of the City of New Orleans (Petition for Declaratory Order regarding QF pricing)

FERC Docket No. ER13-782-000, ITC Arkansas LLC, et al. (Accounting and Ratemaking Treatment for Pension and OPEB Costs)

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.

FERC Docket No. EL12-35-000, Midwest Independent Transmission System Operator, et al.

FERC Docket No. ER12-2682, Midwest Independent Transmission System Operator, Inc.

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FERC Docket No. EL13-41-000, Occidental Chemical Corp v. MISO

FERC Docket No. EL14-28, Occidental Chemical Corp. (complaint reaction by LPSC re QF's)

FERC Docket No. ER13-665-000 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. ER13-1317, Energy Arkansas, Inc.

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. EL12-80-000, 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. EL13-61-000, 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. EL11-62-000, Petition for Creation of a Joint Federal-State Board to Study Electric Reliability

FERC Docket No. EL12-107-000, EC12-145-000, ER12-2681-000, ITC Holdings Corporation Entergy Corporation Midwest Independent Transmission System Operator, Inc.

FERC Docket No. EL14-2, 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)

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