

PUBLIC UTILITY COMMISSION OF TEXAS

OPEN MEETING AGENDA THURSDAY, JULY 10, 2014, 9:30 A.M. Commissioners' Hearing Room 7th Floor, William B. Travis Building

The following items will be taken up first without discussion: 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 13, 14, 18, 19, 20, 32

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

WATER

1. Project No. 41894 - Activities Related to Transfer the Water Program from TCEQ to PUCT. (Discussion and possible action with respect to Delegation of Authority to the Executive Director for an MOU with TCEQ as required under HB 1600) Tom Hunter
2. Project No. 42190 - Migration of Rules Related to Water Utilities from the TCEQ (Chapter 291) to the PUC (New Chapter 24). (Proposal for Adoption) Chrissy Mann and Therese Harris
3. Project No. 42191 - Amendment to P.U.C. Procedural Rules Related to the Migration of Water Utilities from TCEQ to the PUC. (Proposal for Adoption) Laura Buchanan
4. Project No. 42192 - Migration of Forms Related to Water Utilities from the TCEQ to the PUC. (Discussion and possible action) Tammy Benter and Chrissy Mann

COMMUNICATIONS

5. Docket No. 42216; SOAH Docket No. 473-14-3983 - Complaint of City of Houston Against Southwestern Bell Telephone Company DBA AT&T Texas. (Preliminary Order) David Smeltzer
6. Docket No. 42403; SOAH Docket No. 473-14-3984 - Complaint of City of Houston Against Southwestern Bell Telephone Company DBA AT&T Texas. (Preliminary Order) David Smeltzer
7. Docket No. 42210 - Joint Application of Brazos Telephone Cooperative, Inc. and Brazos Telecommunications, Inc. for Approval of Sale, Transfer, or Merger and for Amendment to Certificate of Convenience and Necessity. (Final Order) Susan E. Goodson
8. Docket No. 42451 - Petition of AT&T Texas to Determine Whether Certain Markets with Populations Less than 100,000 Should Remain Regulated. (Final Order) Irene Montelongo

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

ELECTRIC

10. Docket No. 42383; SOAH Docket No. 473-14-4036 - Complaint of Wayne D. Manning Against Cirro Energy and Texas-New Mexico Power Company. (Preliminary Order) Laura Buchanan
11. Docket No. 42527; SOAH Docket No. 473-14-3962 - Application of Southwestern Electric Power Company for Authority to Reconcile Fuel Costs. (Preliminary Order) Heidi Jackson
12. Docket No. 41763; SOAH Docket No. 473-14-1419 - Application of El Paso Electric Company to Amend its Certificate of Convenience and Necessity for Two Additional Generating Units at the Montana Power Station in El Paso County. (Final Order) Heidi Jackson
13. Docket No. 41852; SOAH Docket No. 473-14-0394 - Application of El Paso Electric Company to Reconcile Fuel Costs. (Final Order) Lisa Carter
14. Docket No. 42042; SOAH Docket No. 473-14-1202 - Application of Southwestern Public Service Company for Approval of a Transmission Cost Recovery Factor. (Final Order) Lisa Carter
15. Docket No. 41790 - Odessa Power Partners, LP's Appeal and Complaint Against ERCOT's Denial of Settlement Disputes. (Final Order) Susan E. Goodson and Laura Buchanan
16. Docket No. 42476 - CenterPoint Energy Houston Electric, LLC's Appeal and Complaint Against the Electric Reliability Council of Texas. (Discussion and possible action including Preliminary Order and Motion to Dismiss) Hannah Turner
17. Docket No. 42511 - Complaint of Calpine Corporation and NRG Energy, Inc. Against the Electric Reliability Council of Texas and Appeal of Decision Concerning the Houston Import Project. (Preliminary Order) Laura Buchanan
18. Docket No. 42582 - Agreed Notice of Violation and Settlement Agreement Relating to Morgan Stanley Capital Group Inc.'s Violation of PURA § 39.151(j), P.U.C. SUBST. R. § 25.503(f)(2), and ERCOT Protocol § 8.1.1.4.3(3)(b) Related to Non-Spinning Reserve Service Energy Deployment Criteria. (Final Order) Irene Montelongo
19. Docket No. 42588 - Agreed Notice of Violation and Settlement Agreement Relating to Calpine Corporation's Violations of PURA § 39.151(d) and (j), P.U.C. SUBST. R. §

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- 25.503(f)(2), and ERCOT Protocol § 6.4.3.1, Related to Energy Offer Curve for RUC-Committed Resources. (Final Order) Irene Montelongo
20. Docket No. 42611 - Request for Approval of an Amended Voluntary Mitigation Plan for NRG Companies. (Final Order) Irene Montelongo
 21. Project No. 41622 - Rulemaking to Propose New Substantive Rule 25.245, Relating to Recovery of Expenses for Ratemaking Proceedings. (Proposal for Adoption) Darryl Tietjen and AJ Smullen
 22. 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
 23. Project No. 41060 - Proceeding to Examine the Inputs Included in the ERCOT Capacity, Demand and Reserves Report. (Discussion and possible action)
 24. Project No. 41061 - Rulemaking Regarding Demand Response in the Electric Reliability Council of Texas (ERCOT) Market. (Discussion and possible action)
 25. Project No. 42302 - Review of the Reliability Standard in the ERCOT Region. (Discussion and possible action) Julia Harvey and Jason Haas
 26. Project No. 40000 - Commission Proceeding to Ensure Resource Adequacy in Texas. (Discussion and possible action) Diana Coleman and Jason Haas
 27. Project No. 37344 - Information Related to the Entergy Regional State Committee. (Discussion and possible action)
 28. Project No. 41210 - Information Related to the Southwest Power Pool Regional State Committee. (Discussion and possible action)
 29. Project No. 41211 - Information Related to the Organization of MISO States. (Discussion and possible action)
 30. 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.
 31. Discussion and possible action regarding implementation of state and federal legislation, affecting electricity markets, current and projected rulemaking projects, and Commission priorities.

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GENERAL

32. Project No. 42580 - RFP for the Provision of Live Internet Video of all Public Hearings and Meetings Held by the Public Utility Commission. (Discussion and possible action with respect to Delegation of Authority to the Executive Director) Brian Lloyd
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. Discussion and possible action regarding customer service issues, including but not limited to correspondence and complaint issues.
35. Discussion and possible action on infrastructure reliability, emergency management, and homeland security.
36. 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

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)

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

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)

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)

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

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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, -03-11-00072-CV in the Third Court of Appeals (Appeal of Docket No. 35717)

Texas Supreme Court

Federal Courts

Aspire Commodities v. GDF SUEZ Energy North America, No. 4:14-CV-01111 (S.D. Tex)

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

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)

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

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

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

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

FERC

ENTERGY

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

FERC Docket No. ER07-683, Entergy Services, Inc. (System Agreement)

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

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

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

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

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. 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. ER14-73, 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. ER14-2085, Entergy Services, Inc. (2013 bandwidth payment)

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

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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. 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. ER14-2059, Midcontinent Independent System Operator (Amend MISO-SPP JOA)

OTHER

FERC Docket No. EL11-62, Petition for Creation of a Joint Federal-State Board to Study Electric Reliability

FERC Docket No. TX11-001, Southern Cross Transmission and Pattern Power Marketing

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.

- 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.

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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.