

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

## **OPEN MEETING AGENDA FRIDAY, OCTOBER 17, 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, 7, 8, 9, 10, 28, 30, 31, 32, 33, 34, 35, 36, 39, 40, 43, 47

The following item will not be taken up: 29, 38

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

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### **ELECTRIC**

1. Docket No. 42753; SOAH Docket No. 473-15-0213 - Complaint of Deanna Ownes Against Reliant Energy Retail Services, LLC. (Preliminary Order) David Smeltzer
2. Docket No. 43111; SOAH Docket No. 473-15-0370 - Application of Entergy Texas, Inc. for Approval of a Distribution Cost Recovery Factor. (Preliminary Order) Davida Dwyer
3. Docket No. 41723; SOAH Docket No. 473-13-5661 - Application of Sharyland Utilities, LP for Rate Case Expenses Pertaining to and Severed from P.U.C. Docket No. 41474. (Final Order) Mark Hovenkamp and Lisa Carter
4. Docket No. 42485; SOAH Docket No. 473-14-3445 - Application of Entergy Texas, Inc. for Authority to Redetermine Rates for Energy Efficiency Cost Recovery Factor. (Final Order) Mark Hovenkamp
5. Docket No. 42508; SOAH Docket No. 473-14-3894 - Application of AEP Texas Central Company to Adjust Energy Efficiency Cost Recovery Factor and Related Relief. (Final Order) David Smeltzer
6. Docket No. 42509; SOAH Docket No. 473-14-3895 - Application of AEP Texas North Company to Adjust Energy Efficiency Cost Recovery Factor and Related Relief. (Final Order) David Smeltzer
7. Docket No. 42715 - Non-Standard True-Up Filing of Entergy Texas, Inc. Pursuant to the Financing Order in Docket No. 37247 Concerning Schedule SCO (Storm Cost Offset). (Final Order) Irene Montelongo
8. Docket No. 42716 - Non-Standard True-Up Filing of Entergy Texas, Inc. Pursuant to the Financing Order in Docket No. 37247 Concerning Schedule SRC (System Restoration Costs). (Final Order) Irene Montelongo

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9. Docket No. 43151 - Agreed Notice of Violation and Settlement Agreement Relating to E-Now, LP's Violations of PURA § 39.352(c), and P.U.C. SUBST. R. 25.107(f)(2) and 25.485(e), Related to Certification of Retail Electric Providers and Customer Protection Rules. (Final Order) Irene Montelongo
10. Docket No. 43162 - Agreed Notice of Violation and Settlement Agreement Relating to GDF Suez Energy Marketing NA, Inc.'s Violations of PURA § 39.151(d), and (j), P.U.C. SUBST. R. § 25.503(f)(2), and ERCOT Protocols §§ 3.9(7) and 6.4.3.1, Related to Current Operating Plans and Energy Offer Curve for RUC-Committed Resources. (Final Order) Irene Montelongo
11. 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. (Discussion and possible action, including Motion for Good Cause Exception) Hannah Turner
12. Project No. 42290 - Review of Year-end 2013 PUC Earnings Reports for Electric Utilities. (Discussion and possible action) Darryl Tietjen and Ruth Stark
13. Project No. 42367 - 2015 Report on the Scope of Competition in Electric Markets in Texas. (Discussion and possible action) Julia Harvey and Liz Kayser
14. Project No. 42636 - Commission Comments on Proposed EPA Rule on Greenhouse Gas Emissions for Existing Generating Units. (Discussion and possible action) Tom Hunter and Kristen Whitley
15. Project No. 43512 - Staff Investigation of Storm-Related Electric Service Outages in October 2014. (Discussion and possible action) Therese Harris and Chris Roelse
16. Oncor's Response to North Texas Storms of October 2 and October 6, 2014. (Discussion and possible action)
17. 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
18. Project No. 41060 - Proceeding to Examine the Inputs Included in the ERCOT Capacity, Demand and Reserves Report. (Discussion and possible action)
19. Project No. 41061 - Rulemaking Regarding Demand Response in the Electric Reliability Council of Texas (ERCOT) Market. (Discussion and possible action)
20. Project No. 42302 - Review of the Reliability Standard in the ERCOT Region. (Discussion and possible action) Julia Harvey and Jason Haas

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21. Project No. 40000 - Commission Proceeding to Ensure Resource Adequacy in Texas. (Discussion and possible action) Diana Coleman and Jason Haas
22. Project No. 42750 - Matters Pertaining to or Arising Out of the Chapter 11 Bankruptcy of Energy Future Holdings. (Discussion and possible action) Tom Hunter
23. Project No. 37344 - Information Related to the Entergy Regional State Committee. (Discussion and possible action)
24. Project No. 41210 - Information Related to the Southwest Power Pool Regional State Committee. (Discussion and possible action)
25. Project No. 41211 - Information Related to the Organization of MISO States. (Discussion and possible action)
26. 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.
27. Discussion and possible action regarding implementation of state and federal legislation, affecting electricity markets, current and projected rulemaking projects, and Commission priorities.

**WATER**

28. Docket No. 42850; SOAH Docket No. 473-15-0072 - Petition of Gonzales County Water Supply Corporation (WSC) Certificate of Convenience and Necessity (CCN) No. 10704, Requesting a Cease and Desist Order Against CCN No. 11210 Held by the City of Gonzales in Gonzales, Caldwell, and DeWitt Counties; Application No. 37767-D. (Preliminary Order) Hannah Turner
29. Docket No. 42851; SOAH Docket No. 473-15-0253 - Appeal Filed by Aqua Texas, Inc., Aqua Utilities, Inc. DBA Aqua Texas - Southeast Region - Gray Utilities, From the Ratemaking Actions of the City of Old River-Winfree ("City") and Motion for Interim Rate Relief in Chambers County. (Preliminary Order) John Kramer and David Smeltzer
30. Docket No. 42852; SOAH Docket No. 473-15-0422 - Application from the City of Splendora to Amend CCN No. 11727 in Montgomery and Liberty Counties. (Preliminary Order) Davida Dwyer
31. Docket No. 42853; SOAH Docket No. 473-15-0073 - Protest of the Application for a Water Rate/Tariff Change of SWEA Gardens Estates Utility, Inc. in Harris County, Certificate of Convenience and Necessity No. 11872; Application No. 37765-R. (Preliminary Order) David Smeltzer

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32. Docket No. 42855; SOAH Docket No. 473-15-0074 - Petition by the Ratepayers Appealing Water Rates Established by Marsha Water Supply Corporation Pursuant to V.T.C.A. 13.043, CCN No. 12166 in Travis County. (Preliminary Order) Lisa Carter
33. Docket No. 42899; SOAH Docket No. 473-15-0274 - Application of Green Acres Riverview Water Works and Green Acres Mobile Home Park-Riverview Estates for Sale, Transfer, or Merger of Facilities and Certificate Rights in El Paso County (37894-S). (Preliminary Order) David Smeltzer
34. Docket No. 42924; SOAH Docket No. 473-15-0371 - Application of Crystal Springs Water Company, Inc. for a Certificate of Convenience and Necessity. (Preliminary Order) Mark Hovenkamp
35. Docket No. 43081; SOAH Docket No. 473-15-0218 - Second Petition of Travis County Municipal Utility District No. 12 Appealing Change of Wholesale Water Rates Implemented by West Travis County Public Utility Agency, City of Bee Cave, Texas Hays County, Texas and West Travis County Municipal Utility District No. 5, Application No. 30812-A. (Preliminary Order) Mark Hovenkamp and Davida Dwyer
36. Project No. 43423 - Rulemaking to Amend P.U.C. SUBST. R. 24.8, Administrative Completeness. (Proposal for Publication) Jason Haas and Tammy Benter
37. Discussion and possible action regarding implementation of state legislation affecting water and sewer companies, current and projected rulemaking projects, and Commission priorities.
38. Discussion and possible action related to delegation of authority to Commission Advising and Docket Management for water and sewer matters.

**COMMUNICATIONS**

39. Docket No. 42741 - Southwestern Bell Telephone Company d/b/a AT&T Texas' Petition for a Certificate of Operating Authority and to Rescind its Certificate of Convenience and Necessity. (Final Order) Susan E. Goodson
40. Docket No. 42745 - Petition of Verizon Southwest to Deregulate Certain Markets. (Final Order) Irene Montelongo
41. Project No. 42366 - 2015 Report on the Scope of Competition in Telecommunications Markets in Texas. (Discussion and possible action) Liz Kayser and Fred Goodwin
42. Project No. 41608 - Rulemaking to Amend Substantive Rules Relating to Telecommunications to Conform to PURA § 56.023. (Proposal for Adoption) AJ Smullen and Liz Kayser

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43. Project No. 42477 - Rulemaking to Amend P.U.C. SUBST. R. § 26.111 and Chapter 26, as Needed to Implement Certain Sections of S.B. 259, 83<sup>rd</sup> Legislative Regular Session. (Proposal for Adoption) Maria Faconti and Meena Thomas
44. Discussion and possible action regarding implementation of state and federal legislation affecting telecommunications markets, current and projected rulemaking projects, and Commission priorities.

**GENERAL**

45. Project No. 42330 - Rulemaking to Propose New Procedural Rule 22.146, Relating to Limitations in Discovery Rate Proceedings. (Proposal for Publication) Joseph Younger, Darryl Tietjen and Thomas Tynes
46. FY 2015 Annual Audit Plan. (Discussion and possible action) Brian Lloyd and Darrell Carter
47. Project No. 43517 - Delegation of Authority Generally to the Executive Director. (Discussion and possible action)
48. Project No. 43518 - Delegation of Authority to Docket Management. (Discussion and possible action)
49. 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.
50. Discussion and possible action regarding customer service issues, including but not limited to correspondence and complaint issues.
51. Discussion and possible action on infrastructure reliability, emergency management, and homeland security.
52. 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

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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

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)

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)

**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.

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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.

Crystal Clear Water Supply Corporation v. Vickery, No. 03-13-00528-CV, Third Court of Appeals

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 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

**FERC**

**ENTERGY**

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

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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.

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.

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

FERC Docket No. EL13-41, Occidental Chemical Corp 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. 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)

**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.

- 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.

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- 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.*