

PUBLIC UTILITY COMMISSION OF TEXAS

OPEN MEETING AGENDA FRIDAY, NOVEMBER 14, 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, 12, 13, 25, 26, 27, 28, 29, 30, 31, 32

The following item will not be taken up: 3, 8

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

WATER

1. Docket No. 42866; SOAH Docket No. 473-14-5144 - 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, Jays County, Texas and West Travis County Municipal Utility District No. 5. (Appeal of Order No. 6) Davida Dwyer
2. Docket No. 42897; SOAH Docket No. 473-15-0615 - Application of Turner Crest Village Waste Water, LLC and JDB Turner Crest Wastewater, LLC for Sale, Transfer, or Merger of Facilities and Certificate Rights in Caldwell County (37845-S). (Preliminary Order) Hannah Turner
3. Docket No. 42918; SOAH Docket No. 473-15-0619 - Application of La Ventana Water Supply System for Purchase of Stock of Southwest Liquids, Inc. in Hays County (37984-K). (Preliminary Order) Davida Dwyer
4. Docket No. 42942; SOAH Docket No. 473-15-0623 - Application of Castle Water, Inc. d/b/a Horseshoe Bend Water System for a Rate/Tariff Change (37876-R). (Preliminary Order) Hannah Turner
5. Docket No. 42961; SOAH Docket No. 473-15-0614 - Request of Greenwood Water Corporation for Approval of Water Utility Stock Transfer CCN No. 11792. (Preliminary Order) Davida Dwyer
6. Docket No. 43132; SOAH Docket No. 473-15-0587 - Application of Peach Creek Dam and Lake Club Water System and City of Patton Village for Sale, Transfer, or Merger of Facilities and Certificate of Convenience and Necessity in Montgomery County (37915-S). (Preliminary Order) David Smeltzer
7. Discussion and possible action regarding implementation of state legislation affecting water and sewer companies, current and projected rulemaking projects, and Commission priorities.

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COMMUNICATIONS

8. 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
9. Project No. 42366 - 2015 Report on the Scope of Competition in Telecommunications Markets in Texas. (Discussion and possible action) Liz Kayser and Fred Goodwin
10. Project No. 43590 - Texas No Call List. (Discussion and possible action) Mike Renfro
11. Discussion and possible action regarding implementation of state and federal legislation affecting telecommunications markets, current and projected rulemaking projects, and Commission priorities.

ELECTRIC

12. Docket No. 42370; SOAH Docket No. 473-15-0617 - Application of Southwestern Electric Power Company for Rate Case Expenses Served from P.U.C. Docket No. 40443. (Preliminary Order) Davida Dwyer
13. Docket No. 42775; SOAH Docket No. 473-15-0616 - Complaint of Champion Energy Services, LLC Against Texas-New Mexico Power Company and the Electric Reliability Council of Texas (ERCOT). (Preliminary Order) Hannah Turner
14. Docket No. 41987; SOAH Docket No. 473-14-1298 - Complaint of Multiple RV Tenants of Live Oak Resort, Inc. Against Live Oak Resort, Inc. (Final Order) John Kramer
15. Docket No. 42287; SOAH Docket No. 473-14-3602 - Application of Guadalupe Valley Electric Cooperative, Inc. to Amend its Certificate of Convenience and Necessity for a Proposed 138-kV Transmission Line in Gonzales, Karnes, and Wilson Counties. (Final Order) Davida Dwyer
16. Docket No. 42448; SOAH Docket No. 473-14-3514 - Application of Southwestern Electric Power Company for Approval of a Transmission Cost Recovery Factor. (Final Order) Lisa Carter and Davida Dwyer
17. Docket N. 42449; SOAH Docket No. 473-14-3429 - Application of El Paso Electric Company for Approval to Revise its Energy Efficiency Cost Recovery Factor and Request to Establish Revised Cost Cap. (Final Order) David Smeltzer
18. Docket No. 42454; SOAH Docket No. 473-14-3447 - Application of Southwestern Public Service Company to Adjust its Energy Efficiency Cost Recovery Factor. (Final Order) David Smeltzer

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19. 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
20. Docket No. 42560; SOAH Docket No. 473-14-3897 - Application of CenterPoint Energy Houston Electric, LLC for Approval of an Adjustment to its Energy Efficiency Cost Recovery Factor. (Final Order) Hannah Turner
21. Docket No. 42110 - Petition of Central Texas Electric Cooperative, Inc. for a Cease and Desist Order and a Declaratory Order Regarding Service to the Bob Price Chevrolet Dealership. (Final Order) Susan E. Goodson
22. Docket No. 42699 - Application of Sharyland Utilities, LP to Revise its Retail Transmission Service Rate and to Establish TCRF Charges for IDR Metered Customers. (Final Order) Irene Montelongo
23. Docket No. 42742 - Application of CenterPoint Energy Houston Electric, LLC to Amend Rate Schedule 6.1.1.1.6 Lighting Services in its Tariff for Retail Delivery Service. (Final Order) Irene Montelongo
24. Docket No. 42778 - Joint Petition of CenterPoint Energy Houston Electric, LLC, Texas-New Mexico Power Company, AEP Texas Central Company, AEP Texas North Company, and Oncor Electric Delivery Company, LLC to Distribute Proceeds from the Letter of Credit Provided by Reach Energy, LLC. (Final Order) Irene Montelongo
25. Docket No. 43239 - Application of Texas-New Mexico Power Company for Amendment to its Commission-Approved AMS Deployment Plan. (Final Order) Irene Montelongo
26. Docket No. 43246 - Agreed Notice of Violation and Settlement Agreement Relating to AEP Texas North 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
27. Docket No. 43247 - Agreed Notice of Violation and Settlement Agreement Relating to AEP Texas Central 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
28. Docket No. 43250 - 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
29. Docket No. 43260 - Agreed Notice of Violation and Settlement Agreement Relating to Southwestern Public Service 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

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30. Docket No. 43457 - Agreed Notice of Violation and Settlement Agreement Relating to Energy Curtailment Specialists, Inc.'s Violations of PURA § 39.151(d), P.U.C. SUBST. R. 25.503(f)(2), and ERCOT Protocols § 8.1.3.3.1(1)(b), Relating to Performance Criteria for Qualified Scheduling Entities Representing Emergency Response Service Resources. (Final Order) Irene Montelongo
31. Docket No. 43571 - Agreed Notice of Violation and Settlement Agreement Relating to Oncor Electric Delivery 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
32. Docket No. 43576 - Agreed Notice of Violation and Settlement Agreement Relating to EDF Trading North America, LLC's Violation of PURA § 39.151(j), P.U.C. SUBST. R. § 25.503(f)(2), and ERCOT Protocols §§ 3.9.1(2), Relating to Current Operating Plan Criteria and 8.1.1.4.3(3)(b), Related to Non-Spinning Reserve Service Energy Deployment Criteria. (Final Order) Irene Montelongo
33. 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 Final Order) Hannah Turner
34. Project No. 42367 - 2015 Report on the Scope of Competition in Electric Markets in Texas. (Discussion and possible action) Julia Harvey and Liz Kayser
35. Project No. 42631 - Rulemaking Regarding Subsynchronous Oscillation in the ERCOT Region. (Proposal for Publication) Julia Harvey and Kristi Denney
36. Project No. 42636 - Commission Comments on Proposed EPA Rule on Greenhouse Gas Emissions for Existing Generating Units. (Discussion and possible action, including Delegation of Authority to the Executive Director to File Comments at EPA on Proposed Greenhouse Gas Emissions Rule) Tom Hunter and Kristen Abbott
37. Project No. 42786 - Advanced Metering System Web Portal. (Discussion and possible action) Christine Wright and Chrissy Mann
38. 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
39. Project No. 41060 - Proceeding to Examine the Inputs Included in the ERCOT Capacity, Demand and Reserves Report. (Discussion and possible action)
40. Project No. 41061 - Rulemaking Regarding Demand Response in the Electric Reliability Council of Texas (ERCOT) Market. (Discussion and possible action)

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41. Project No. 42302 - Review of the Reliability Standard in the ERCOT Region. (Discussion and possible action) Julia Harvey and Jason Haas
42. Project No. 40000 - Commission Proceeding to Ensure Resource Adequacy in Texas. (Discussion and possible action) Diana Coleman and Jason Haas
43. Project No. 42750 - Matters Pertaining to or Arising Out of the Chapter 11 Bankruptcy of Energy Future Holdings. (Discussion and possible action) Tom Hunter
44. Project No. 37344 - Information Related to the Entergy Regional State Committee. (Discussion and possible action)
45. Project No. 41210 - Information Related to the Southwest Power Pool Regional State Committee. (Discussion and possible action)
46. Project No. 41211 - Information Related to the Organization of MISO States. (Discussion and possible action)
47. 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.
48. Discussion and possible action regarding implementation of state and federal legislation, affecting electricity markets, current and projected rulemaking projects, and Commission priorities.

GENERAL

49. Project No. 43254 - 2014 Summary of Customer Complaints and Enforcement Activities. (Discussion and possible action) Mike Renfro
50. 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.
51. Discussion and possible action regarding customer service issues, including but not limited to correspondence and complaint issues.
52. Discussion and possible action on infrastructure reliability, emergency management, and homeland security.
53. Adjournment for closed session to consider one or more of the following items:
 - 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:

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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)

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)

TCEO 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.

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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.

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

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EPA

EPA-HQ-OAR-2009-0491 – Revisions to Federal Implementation Plans to Reduce Interstate Transport of Fine Particulate Matter and Ozone; Guidelines for Existing Power Plants: Emissions from Existing Stationary Sources: Electric Utility Generating Units (contemplated litigation)

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.

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)

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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

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.

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- 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.