

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

## **OPEN MEETING AGENDA THURSDAY, MAY 21, 2015, 9:30 A.M. Commissioners' Hearing Room 7th Floor, William B. Travis Building**

The following items will be taken up first without discussion: 1, 3, 5, 6, 7, 9, 10, 11, 12, 13, 17, 18, 19

Project No. 43879 - Open Meeting Agenda items without an associated control number.

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### **WATER**

1. Docket No. 43042; SOAH Docket No. 473-15-3489.WS - Application of Rosehill Utilities, Inc. to Amend a Certificate of Convenience and Necessity in Waller County (37976-C). (Preliminary Order) Carlos Carrasco
2. Docket No. 44507 - Petition of Tyler Blue Ridge, LLC to Amend Tall Timbers Utility Company, Inc.'s Certificate of Convenience and Necessity in Smith County by Expedited Release. (Final Order) Jeffrey J. Huhn
3. Project No. 44706 - Annual Report Forms and Forms for Notice of Application to Change Rates for Water and Sewer Utilities. (Proposal for Publication of Forms) A.J. Smullen and Debi Loockerman
4. Discussion and possible action regarding implementation of state legislation affecting water and sewer companies, current and projected rulemaking projects, and Commission priorities.

### **COMMUNICATIONS**

5. Docket No. 44575; SOAH Docket No. 473-15-3644 - Notice of Violation by Texas Hearing Services d/b/a Texas Hearing and Telephone of PURA § 56.030, Relating to Universal Service Funds Affidavits of Compliance; P.U.C. SUBST. R. § 26.403(f)(1) and (3), Relating to Eligible Telecommunication Provider Reporting Requirements, and P.U.C. SUBST. R. § 26.418(j)(1), Relating to Federal Universal Service Fund Annual Certification. (Preliminary Order) Lisa Carter
6. Docket No. 43838 - Application of Hill Country Telephone Cooperative, Inc. for True-Up of 2012 Federal Universal Service Fund Impacts to the Texas Universal Service Fund. (Final Order) Irene Montelongo
7. Docket No. 43959 - Application of Ganado Telephone Company for True-Up of 2012 Federal Universal Service Fund Impacts to the Texas Universal Service Fund. (Final Order) Irene Montelongo

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

**ELECTRIC**

9. Docket No. 44562; SOAH Docket No. 473-15-3534 - Complaint of Victoria County Against Noble Americas Energy Solutions. (Preliminary Order) David Hrcir and Hannah Turner
10. Docket No. 44612; SOAH Docket No. 473-15-3683 - Application of Southwestern Electric Power Company to Adjust Energy Efficiency Cost Recovery Factor and Related Relief. (Preliminary Order) Lisa Carter
11. Docket No. 44677; SOAH Docket No. 473-15-3684 - Application of El Paso Electric Company for Approval to Revise its Energy Efficiency Cost Recovery Factor and Request to Establish Revised Cost Cap. (Preliminary Order) Hannah Turner
12. Docket No. 44696; SOAH Docket No. 473-15-3685 - Application of Entergy Texas, Inc. for Authority to Redetermine Rates for Energy Efficiency Cost Recovery Factor. (Preliminary Order) Carlos Carrasco
13. Docket No. 44698; SOAH Docket No. 473-15-3686 - Application of Southwestern Public Service Company to Adjust its Energy Efficiency Cost Recovery Factor. (Preliminary Order) John Kramer
14. Docket No. 42467; SOAH Docket No. 473-14-4431 - Application of Electric Transmission Texas, LLC to Amend its Certificates of Convenience and Necessity for the Proposed Barney Davis to Naval Base 138-kV Single-Circuit Transmission Line in Nueces County. (Final Order) Davida Dwyer
15. Docket No. 42583; SOAH Docket No. 473-14-4953 - Application of Oncor Electric Delivery Company, LLC to Amend its Certificate of Convenience and Necessity for a Proposed 138-kV Transmission Line in Culberson, Loving, Reeves, Ward, and Winkler Counties. (Final Order) John Kramer
16. Docket No. 43731 - Application of Cross Texas Transmission, LLC to Amend its Certificate of Convenience and Necessity for the Proposed Salt Fork to Gray 345-kV Transmission Line in Gray and Donley Counties. (Final Order) Davida Dwyer
17. Docket No. 44041 - Compliance Filing of CenterPoint Energy Houston Electric, LLC for Rider TC Refund-Refund of Transition Charges. (Final Order) Irene Montelongo
18. Docket No. 44384 - Joint Application of Brazos Electric Power Cooperative, Inc. and the City of Garland to Transfer Certificate of Convenience and Necessity Rights. (Final Order) Jeffrey J. Huhn

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19. Docket No. 44635 - Request for Approval of a Voluntary Mitigation Plan for Luminant Companies Pursuant to PURA § 15.023(f) and P.U.C. SUBST. R. § 25.504(e). (Final Order) Irene Montelongo
20. Project No. 44650 - Rulemaking Proceeding to Amend P.U.C. SUBST. R. 25.503, Relating to Oversight of Wholesale Market Participants. (Proposal for Publication) Tom Hunter
21. Docket No. 43958 - Application of Entergy Texas, Inc. to Amend its Certificate of Convenience and Necessity and for Public Interest Determination for Purchase of Unit 1, Union Power Station in Union County, Arkansas. (Discussion and possible action)
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) Margaret Pemberton and Jacob Lawler
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. 42750 - Matters Pertaining to or Arising Out of the Chapter 11 Bankruptcy of Energy Future Holdings. (Discussion and possible action) Tom Hunter
28. Project No. 37344 - Information Related to the Entergy Regional State Committee. (Discussion and possible action)
29. Project No. 41210 - Information Related to the Southwest Power Pool Regional State Committee. (Discussion and possible action)
30. Project No. 41211 - Information Related to the Organization of MISO States. (Discussion and possible action)
31. 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.

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

**GENERAL**

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 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:

**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 Austin, Texas v. Public Utility Commission of Texas and State Office of Administrative Hearings and North Austin Municipal Utility District No. 1, Northtown Municipal Utility District, Travis County Water Control and Improvement District No. 10 and Wells Branch Municipal Utility District, D-1-GN-15-000513, (200<sup>th</sup> District Court Travis County Texas)

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 (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)

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Entergy Texas, Inc. v. Public Utility Commission No. 03-14-00735-CV in the Third Court of Appeals (Appeal of Docket No. 39896)

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.

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

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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

Federal Energy Regulatory Commission v. Electric Power Supply Association, et al., Case No. 14-840 (United States Supreme Court)

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. ER07-683, Entergy Services, Inc. (System Agreement)

FERC Docket No. ER09-636, 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. ER13-432, Entergy Services, Inc. (Proceeding to Amend Entergy System Agreement Regarding Exiting of Entergy Arkansas and Move to MISO)

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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. ER15-1437, Entergy Services, Inc. (Union Power)

FERC Docket No. AC15-70, Entergy Services, Inc. (Union Power)

FERC Docket No. EC15-98, Entergy Services, Inc. (Union Power)

**ENTERGY BANDWIDTH**

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

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

FERC Docket No. ER08-1056, Entergy Services, Inc. (Bandwidth)

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

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

FERC Docket No. ER10-1350, Entergy Services, Inc. (Bandwidth)

FERC Docket No. ER11-3658, Entergy Services, Inc. (Bandwidth)

FERC Docket No. ER12-1920, Entergy Services, Inc. (Bandwidth)

FERC Docket No. EL10-65, Louisiana v. Entergy (Bandwidth)

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

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**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.

- 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

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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.*