

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

## **OPEN MEETING AGENDA FRIDAY, AUGUST 14, 2015, 9:30 A.M. Commissioners' Hearing Room 7th Floor, William B. Travis Building**

The following items will be taken up first without discussion: 5, 6, 7, 8, 9, 11, 25

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

---

### **COMMUNICATIONS**

1. Project No. 45018 - Commission Approval to File Comments on FCC FNPRM 15-71 "Lifeline Second Further Notice of Proposed Rulemaking". (Discussion and possible action) Jay Stone
2. Discussion and possible action regarding implementation of state and federal legislation affecting telecommunications markets, current and projected rulemaking projects, and Commission priorities.

### **ELECTRIC**

3. Docket No. 42729; SOAH Docket No. 473-15-0647 - Application of Southwestern Public Service Company to Amend a Certificate of Convenience and Necessity for a Proposed 230-kV Transmission Line within Lubbock County (Wolfforth to Carlisle). (Final Order) Lisa Carter
4. 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. (Final Order) Lisa Carter
5. Docket No. 44671 - Joint Application of Southwestern Public Service Company and Oncor Electric Delivery Company, LLC for Approval of Accounting Entries Associated with the Purchase and Sale of Facilities, and for True-Up of the Gain-on-Sale Calculation Associated with Docket No. 41430. (Final Order) Jeffrey Huhn
6. Docket No. 44741 - Petition of Electric Reliability Council of Texas, Inc. for Approval of Bylaws Amendment. (Final Order) Stephanie Frazzell
7. Docket No. 44742 - Petition of the Electric Reliability Council of Texas, Inc. for Approval of Unaffiliated Director. (Final Order) Jeffrey Huhn
8. Docket No. 44776 - Non-Standard True-Up Filing of AEP Texas Central Company Pursuant to the Financing Order in Docket No. 32475. (Final Order) Irene Montelongo

**OPEN MEETING AGENDA**  
**AUGUST 14, 2015**

9. Docket No. 44940 - Agreed Notice of Violation and Settlement Agreement Relating to Brazos Electric Power Cooperative's Violation of PURA § 39.151(j); 16 TAC § 25.503(f)(2); ERCOT Protocols § 8.5.1.1 and ERCOT Operating Guide §§ 2.2.8 and 2.3.1.2, Relating to Primary Frequency Response. (Final Order) Irene Montelongo
10. Project No. 42532 - Rulemaking Relating to Distributed Generation. (Discussion and possible action) David Smithson and Maria Faonti
11. Project No. 44650 - Rulemaking Proceeding to Amend P.U.C. SUBST. R. 25.503 Relating to Oversight of Wholesale Market Participants. (Proposal for Adoption) Tom Hunter
12. Docket No. 44620 - Application of Sharyland Utilities, L.P. to Revise its TCRF Class Allocation Factors and Request for Good Cause Exception from P.U.C. SUBST. R. § 25.193(c). (Discussion and possible action)
13. 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
14. Project No. 42647 - ERCOT Planning and System Costs Associated with Renewable Resources and New Large DC Ties. (Discussion and possible action)
15. Project No. 41060 - Proceeding to Examine the Inputs Included in the ERCOT Capacity, Demand and Reserves Report. (Discussion and possible action)
16. Project No. 41061 - Rulemaking Regarding Demand Response in the Electric Reliability Council of Texas (ERCOT) Market. (Discussion and possible action)
17. Project No. 42302 - Review of the Reliability Standard in the ERCOT Region. (Discussion and possible action) Julia Harvey and Jason Haas
18. Project No. 40000 - Commission Proceeding to Ensure Resource Adequacy in Texas. (Discussion and possible action) Diana Coleman and Jason Haas
19. Project No. 42750 - Matters Pertaining to or Arising Out of the Chapter 11 Bankruptcy of Energy Future Holdings. (Discussion and possible action) Tom Hunter
20. Project No. 37344 - Information Related to the Entergy Regional State Committee. (Discussion and possible action)
21. Project No. 41210 - Information Related to the Southwest Power Pool Regional State Committee. (Discussion and possible action)
22. Project No. 41211 - Information Related to the Organization of MISO States. (Discussion and possible action)

**OPEN MEETING AGENDA**  
**AUGUST 14, 2015**

23. 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.
24. Discussion and possible action regarding implementation of state and federal legislation, affecting electricity markets, current and projected rulemaking projects, and Commission priorities.

**WATER**

25. Docket No. 43832; SOAH Docket No. 473-15-4782.WS - Application of Palo Duro Service Company, Inc. to Amend a Certificate of Convenience and Necessity in Parker and Wise Counties. (Preliminary Order) John Kramer
26. Docket No. 42857; SOAH Docket No. 473-14-5138.WS - Petition of 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 from the Ratemaking Actions of the City of Austin and Request for Interim Rates in Williamson and Travis Counties; Petition of North Austin Municipal Utility District No. 1, Northtown Municipal Utility District, and Wells Branch Municipal Utility District from the Ratemaking Actions of the City of Austin and Request for Interim Rates in Williamson and Travis Counties. (Final Order) Mark Hovenkamp
27. Docket No. 44949 - Petition for an Emergency Order Appointing a Temporary Manager to Farrar Water Supply Corporation Pursuant to Tex. Water Code Ann. § 13.4132 and 16 TAC § 24.142. (Discussion and possible action) Kaitlin Van Zee, Patricia Garcia and Lisa Carter
28. Project No. 43871 - P.U.C. Rulemaking Project to Amend Chapter 24 for the Implementation of Phase II of the Economic Regulation of Water and Sewer Utilities. (Proposal for Adoption) Shelah Cisneros, Maria Faconti and Debi Loockerman
29. Project No. 43876 - P.U.C. Form Revisions for Phase II of the Implementation of the Economic Regulation of Water and Sewer Utilities (Class A Utilities). (Proposal for Adoption of Forms) Darryl Tietjen, Tammy Benter and Debi Loockerman
30. Project No. 43967 - P.U.C. Form Revisions for Phase II of the Implementation of the Economic Regulation of Water and Sewer Utilities (Rate Filing Package Pursuant to TWC § 13.1871). (Proposal for Adoption of Forms) Darryl Tietjen, Tammy Benter and Debi Loockerman
31. Project No. 43968 - P.U.C. Form Revisions for Phase II of the Implementation of the Economic Regulation of Water and Sewer Utilities (Additional Water Forms) (Proposal for Adoption of Forms) Katherine Gross and Diane Hopingardner

**OPEN MEETING AGENDA  
AUGUST 14, 2015**

32. Project No. 44462 - P.U.C. Form Revisions for Phase II of the Implementation of the Economic Regulation of Water and Sewer Utilities (Rate Filing Package Pursuant to TWC § 13.1872) (Proposal for Adoption of Forms) Darryl Tietjen, Tammy Benter and Debi Loockerman
33. Project No. 44706 - Annual Report Forms and Forms for Notice of Application to Change Rates for Water and Sewer Utilities. (Proposal for Adoption of Forms) AJ Smullen and Debi Loockerman
34. Discussion and possible action regarding implementation of state legislation affecting water and sewer companies, current and projected rulemaking projects, and Commission priorities.

**GENERAL**

35. Project No. 44989 - Rule Review Plan of P.U.C. Rules Pursuant to APA § 2001.039 for Fiscal Years 2016-2019. (Discussion and possible action) Adriana Gonzales
36. 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.
37. Discussion and possible action regarding customer service issues, including but not limited to correspondence and complaint issues.
38. Discussion and possible action on infrastructure reliability, emergency management, and homeland security.
39. 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)

**OPEN MEETING AGENDA  
AUGUST 14, 2015**

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)

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.

**OPEN MEETING AGENDA  
AUGUST 14, 2015**

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, et al. v. GDF SUEZ Energy North America, et al. No. 15-20125 (United States Court of Appeals for the Fifth Circuit)

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 and EnerNoc, Inc. et al., v. Electric Power Supply Association, et al., Case No. 14-841 (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**

**OPEN MEETING AGENDA  
AUGUST 14, 2015**

**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)

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)

**OPEN MEETING AGENDA  
AUGUST 14, 2015**

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)

FERC Docket No. ER 15-1826, Entergy Services, Inc. (Bandwidth)

**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. EL15-66, Entergy Export Customers 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**

**OPEN MEETING AGENDA  
AUGUST 14, 2015**

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 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.*