

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

## **OPEN MEETING AGENDA THURSDAY, MARCH 24, 2016, 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, 4, 5, 6, 9, 10, 11, 12, 13, 14, 15, 16, 20, 21, 22, 23, 24, 26, 27, 28, 29, 30, 31, 32, 47, 48

Project No. 45448 - Open Meeting Agenda items without an associated control number.

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### **WATER**

1. Docket No. 45506; SOAH Docket No. 473-16-2415.WS - Complaint of Regina Lee Against Wagner Services, Inc. (Preliminary Order) John Kramer
2. Docket No. 45570; SOAH Docket No. 473-16-2873.WS - Application of Monarch Utilities I, LP for Authority to Change Rates. (Preliminary Order) David Hrcir
3. Docket No. 43175; SOAH Docket No. 473-15-2274.WS - Application of Community Water Service, Inc. and Walter J. Carrol Water Company, Inc. for Sale, Transfer, or Merger of Facilities and Certificate Rights in Ellis County. (Final Order) John Kramer
4. Docket No. 44331; SOAH Docket No. 473-16-0190.WS - Application of Mooreland Water Company for a Water or Wastewater Rate/Tariff Change. (Final Order) Lisa Carter
5. Docket No. 44558; SOAH Docket No. 473-16-0580.WS - Application of Indian Lodge Water System for a Rate/Tariff Change. (Final Order) Mark Hovenkamp
6. Docket No. 45161 - Application of SJW Corp., SJW Group, Inc., and SJWTX, Inc. dba Canyon Lake Water Service Company for Approval of the Reincorporation of SJW Corporation as SJW Group, Inc. (Final Order) Jeffrey Huhn
7. Discussion and possible action regarding implementation of state legislation affecting water and sewer companies, current and projected rulemaking projects, and Commission priorities.

### **COMMUNICATIONS**

8. Docket No. 45280; SOAH Docket No. 473-16-1861 - Complaint of Extenet Network Systems, Inc. Against the City of Houston for Imposition of Fees for Use of Public Right-of-Way. (Preliminary Order) Davida Dwyer
9. Docket No. 45497; SOAH Docket No. 473-16-2389 - Complaint of City of Houston Against Southwestern Bell Telephone Company d/b/a AT&T Texas. (Preliminary Order) Hannah Turner

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10. Docket No. 45498; SOAH Docket No. 473-16-2390 - Complaint of City of Houston Against Southwestern Bell Telephone Company d/b/a AT&T Texas. (Preliminary Order) Lisa Carter
11. Docket No. 45501; SOAH Docket No. 473-16-2391 - Complaint of City of Houston Against Southwestern Bell Telephone LP, d/b/a AT&T Texas. (Preliminary Order) Adrienne Waddell
12. Docket No. 45182 - Application of Valley Telephone Cooperative, Inc. to Recover Funds from the Texas Universal Service Fund Pursuant to PURA § 56.025 and 16 TAC § 26.406. (Final Order) Jeffrey Huhn
13. Docket No. 45303 - Application of Southwest Arkansas Telephone Cooperative, Inc. for True-Up of 2013 Federal Universal Service Fund Impacts to the Texas Universal Service Fund. (Final Order) Jeffrey Huhn
14. Docket No. 45304 - Application of Border to Border Communications, Inc. for True-Up of 2013 Federal Universal Service Fund Impacts to the Texas Universal Service Fund. (Final Order) Jeffrey Huhn
15. Project No. 42600 - Rulemaking to Amend P.U.C. SUBST. R. 26.403, 26.404, and 26.420 to Address Certain Provisions of the TUSF Including Eligibility of Certain Lines, Number of Business Lines Receiving Support and Entities Required to Pay TUSF Assessments. (Proposal for Publication) Liz Kayser and AJ Smullen
16. Project No. 45166 - Rule Review of Chapter 21, Rules Relating to Interconnection Agreements for Telecommunications Service Providers, Pursuant to APA, Tex. Gov. Code § 2001.039. (Proposal for Adoption) Meena Thomas and Mandeep Chatha
17. Discussion and possible action regarding implementation of state and federal legislation affecting telecommunications markets, current and projected rulemaking projects, and Commission priorities.

**ELECTRIC**

18. Docket No. 44547; SOAH Docket No. 473-15-3595 - Application of CenterPoint Energy Houston Electric, LLC to Amend a Certificate of Convenience and Necessity for a Proposed 345-kV Transmission Line within Grimes, Harris, and Waller Counties. (Discussion and possible action, including Motion for Rehearing) David Hrcir
19. Docket No. 44361; SOAH Docket No. 473-15-2431 - Application of Sharyland Utilities, LP for Approval of an Advanced Metering System Deployment Plan, Surcharge, and Non-Standard Metering Service Fees. (Extension of Time) Mark Hovenkamp

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20. Docket No. 44805; SOAH Docket No. 473-16-1839 - Application of El Paso Electric Company for Reasonableness and Public Interest Findings on the Disposition of Coal-Fired Generating Facilities in New Mexico, and Mine Closing Cost Adjustments. (Preliminary Order) Lisa Carter
21. Docket No. 45291; SOAH Docket No. 473-16-1847 - Application of Southwestern Public Service Company for Approval of Transaction with Xcel Energy Southwest Transmission Company, LLC and Related Approvals. (Preliminary Order) Lisa Carter
22. Docket No. 45494; SOAH Docket No. 473-16-2414 - Complaint of Korr Building Company, LLC Against Xcel Energy, Inc. and Southwestern Public Service Company. (Preliminary Order) Mark Hovenkamp
23. Docket No. 45505; SOAH Docket No. 473-16-2413 - Complaint of Elegance Cleaners Against Oncor Electric Delivery Company, LLC and Reliant Energy Retail Services, LLC. (Preliminary Order) Carlos Carrasco
24. Docket No. 45524; SOAH Docket No. 473-16-2520 - Application of Southwestern Public Service Company for Authority to Change Rates. (Preliminary Order) Davida Dwyer
25. Docket No. 43878; SOAH Docket No. 473-15-3158 - Application of Brazos Electric Power Cooperative, Inc. to Amend a Certificate of Convenience and Necessity for a 138-kV Double-Circuit Transmission Line in Collin and Denton Counties. (Final Order) Mark Hovenkamp
26. Docket No. 45158; SOAH Docket No. 473-16-1219 - Application of Southwestern Public Service Company to Amend a Certificate of Convenience and Necessity for a 115-kV Transmission Line in Deaf Smith County (NE Hereford to La Plata Substation) (Final Order) Carlos Carrasco and John Kramer
27. Docket No. 45213 - Application of Texas-New Mexico Power Company to Reconcile Advanced Metering System Costs. (Final Order) Jeffrey Huhn
28. Docket No. 45382 - Commission Staff's Application to Set 2016 Wholesale Transmission Service Charges for the Electric Reliability Council of Texas. (Final Order) Jeffrey Huhn
29. Docket No. 45429 - Application of Luminant Generation Company, LLC, Big Brown Power Company, LLC, Oak Grove Management Company LLC, Sandow Power Company LLC, and Tradinghouse Power Company, LLC Pursuant to Section 39.158 of the Public Utility Regulatory Act. (Final Order) Jeffrey Huhn
30. Docket No. 45569 - Agreed Notice of Violation and Settlement Agreement Relating to AEP Texas Central Company's Violations of PURA §§ 37.151 and 39.151(j) and 16 TAC § 25.52(b)(1), Relating to Continuous and Adequate Service and 25.503(f)(2) Relating to Oversight of Wholesale Market Participants. (Final Order) Irene Montelongo

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31. Docket No. 45575 - Agreed Notice of Violation and Settlement Agreement Relating to Oncor Electric Delivery Company's Violation of PURA § 39.101 and 16 TAC § 25.480(m)(2), Related to Placement and Removal of Switch-Holds. (Final Order) Irene Montelongo
32. Docket No. 45600 - Agreed Notice of Violation and Settlement Agreement Relating to City of Garland's Violation of PURA § 39.151(j), 16 TAC § 25.503(f)(2), and ERCOT Protocols § 8.1.1.4.3(3)(b) Related to Non-Spinning Reserve Service Energy Deployment Criteria. (Final Order) Irene Montelongo
33. Project No. 45730 - Project to Evaluate the Power to Choose Website. (Discussion and possible action) Brian Lloyd
34. Docket No. 45188 - Joint Report and Application of Oncor Electric Delivery Company LLC, Ovation Acquisition 1, LLC, Ovation Acquisition II, LLC and Shary Holdings, LLC for Regulatory Approval Pursuant to PURA §§ 14.101, 37.154, 39.262 (l)-(m) and 39.915. (Discussion and possible action)
35. 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
36. Project No. 42647 - ERCOT Planning and System Costs Associated with Renewable Resources and New Large DC Ties. (Discussion and possible action)
37. Project No. 41060 - Proceeding to Examine the Inputs Included in the ERCOT Capacity, Demand and Reserves Report. (Discussion and possible action)
38. Project No. 41061 - Rulemaking Regarding Demand Response in the Electric Reliability Council of Texas (ERCOT) Market. (Discussion and possible action)
39. Project No. 42302 - Review of the Reliability Standard in the ERCOT Region. (Discussion and possible action) Julia Harvey and Jason Haas
40. Project No. 40000 - Commission Proceeding to Ensure Resource Adequacy in Texas. (Discussion and possible action) Jason Haas and Julia Harvey
41. Project No. 42750 - Matters Pertaining to or Arising Out of the Chapter 11 Bankruptcy of Energy Future Holdings. (Discussion and possible action) Tom Hunter
42. Project No. 37344 - Information Related to the Entergy Regional State Committee. (Discussion and possible action)

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43. Project No. 41210 - Information Related to the Southwest Power Pool Regional State Committee. (Discussion and possible action)
44. Project No. 41211 - Information Related to the Organization of MISO States. (Discussion and possible action)
45. 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.
46. Discussion and possible action regarding implementation of state and federal legislation, affecting electricity markets, current and projected rulemaking projects, and Commission priorities.

**GENERAL**

47. Project No. 45167 - Rule Review of Chapter 27, Rules Relating to Administrative Services, Pursuant to APA, Tex. Govt. Code § 2001.039. (Proposal for Adoption)  
Adriana Gonzales
48. Project No. 45273 - Rulemaking Proceeding to Add 16 TAC § 27.170 to Establish a Procedure Identifying Contracts that Require Enhanced Contract Monitoring. (Proposal for Publication) Jay Stone
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 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,

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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)

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)

**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. 14-1010, Texas Supreme Court, 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.

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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

Hughes v. PPL EnergyPlus, LLC, Case No. 14-614, (United States Court of Appeals for the Fourth Circuit)

CPV Maryland, LLC v. PPL EnergyPlus, LLC, Case No. 14-623, (United States Court of Appeals for the Fourth Circuit)

**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)

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)

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

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

FERC Docket No. ER15-2633, Entergy Services, Inc. (ESI/EMI service agreement)

**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. EL16-46, LS Power Development, LLC and Cross Texas Transmission, LLC

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

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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. ER14-2445, Midcontinent Independent System Operator (hurdle rate)

FERC Docket No. ER16-56, 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.

FERC Docket No. TX 16-1, Public Service Company of Oklahoma

- 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.

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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.*