

PUBLIC UTILITY COMMISSION OF TEXAS

OPEN MEETING AGENDA THURSDAY, JUNE 9, 2016, 9:30 A.M. Commissioners' Hearing Room 7th Floor, William B. Travis Building

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

COMMUNICATIONS

1. Docket No. 45497; SOAH Docket No 473-16-2389 - Complaint of the City of Houston Against Southwestern Bell Telephone Company d/b/a AT&T Texas. (Appeal of Order No. 3) Hannah Turner
2. Docket No. 45501; SOAH Docket No. 473-16-2391 - Complaint of the City of Houston Against Southwestern Bell Telephone Company d/b/a AT&T Texas. (Appeal of Order No. 3) Adrienne Waddell
3. Docket No. 45546 - Application of Big Bend Telephone Company for True-2013 Federal Universal Service Fund Impacts to the Texas Universal Service. (Final Order) Jeffrey J. Huhn
4. Docket No. 45896 - Agreed Settlement and Proposed Order Relating to Consolidated Communications' Violation of PURA § 55.001 and 16 TAC § 26.54, Concerning Service Objectives and Performance Benchmarks. (Final Order) Irene Montelongo
5. Project No. 45955 - Comments Stemming from Frontier Communications April 1, 2016 Transition of Verizon Southwest Wireline Properties. (Discussion and possible action) Christ Burch, Liz Kayser and A.J. Smullen
6. Discussion and possible action regarding implementation of state and federal legislation affecting telecommunications markets, current and projected rulemaking projects, and Commission priorities.

ELECTRIC

7. Docket No. 45175; SOAH Docket No. 473-16-1119 - Appeal of Brazos Electric Power Cooperative, Inc. and Denton County Electric Cooperative, Inc. d/b/a Coserv Electric from an Ordinance of the Colony, Texas, and, in the Alternative, Application for a Declaratory Order. (Appeal of Order No. 7) David Hrcir
8. Docket No. 45928 - Application of AEP Texas North Company to Adjust Energy Efficiency Cost Recovery Factor and Related Relief. (Preliminary Order) Hannah Turner
9. Docket No. 45929 - Application of AEP Texas Central Company to Adjust Energy Efficiency Cost Recovery Factor and Related Relief. (Preliminary Order) Hannah Turner

OPEN MEETING AGENDA
JUNE 9, 2016

10. Docket No. 46002; SOAH Docket No. 473-16-4432 - Application of Texas New Mexico Power Company to Adjust the Energy Efficiency Cost Recovery Factor. (Preliminary Order) John Kramer
11. Docket No. 46013 - Application of Oncor Electric Delivery Company, LLC to Adjust the Energy Efficiency Cost Recovery Factor. (Preliminary Order) Adrienne Waddell
12. Docket No. 46014; SOAH Docket No. 473-16-4437 - Application of CenterPoint Energy Houston Electric, LLC to Adjust the Energy Efficiency Cost Recovery Factor. (Preliminary Order) David Hrcir
13. Docket No. 46024 - Application of Sharyland Utilities, LP to Adjust the Energy Efficiency Cost Recovery Factor and Related Relief. (Preliminary Order) Lisa Carter
14. Docket No. 44060; SOAH Docket No. 473-15-2855 - Application of Brazos Electric Power Cooperative, Inc. to Amend a Certificate of Convenience and Necessity for a 138-kV Transmission Line in Denton County. (Final Order) Mark Hovenkamp
15. Docket No. 44416; SOAH Docket No. 473-15-2779 - Complaint of Marian S-Cross Against Reliant Energy Retail Services, LLC and AEP Texas Central Company. (Final Order) Carlos Carrasco
16. Docket No. 45753 - Application of Luminant Generation Company, LLC and Oncor Electric Delivery Company, LLC to Transfer Ownership and Administration of the Comanche Peak Nuclear Power Plant Decommissioning Trust Pursuant to § 39.205 of the Public Utility Regulatory Act and § 25.303(d) of 16 Tex. Admin. Code. (Discussion and possible action). Lisa Carter
17. Docket No. 45673 - Application of Gunsight Mountain Holdings, LLC for Approval Pursuant to § 39.158 of the Public Utility Regulatory Act. (Final Order) Jeffrey J. Huhn
18. Docket No. 45749 - Petition to Revoke the Retail Electric Provider Certificate of TruSmart Energy, LLC. (Final Order) Jeffrey J. Huhn
19. Docket No. 45793 - Non-Standard True-Up Filing of Entergy Texas, Inc. Pursuant to the Financing Order in Docket No. 33586. (Final Order) Irene Montelongo
20. Docket No. 45895 - Agreed Notice of Violation and Settlement Agreement Relating to CenterPoint Energy Houston Electric, LLC'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
21. Project No. 42786 - Review of Advanced Metering System Web Portal. (Discussion and possible action) Therese Harris and Jason Haas

OPEN MEETING AGENDA
JUNE 9, 2016

22. Project No. 45078 - Rulemaking Related to Distributed Generation Interconnection Agreements. (Proposal for Publication) Kristin Abbott, David Smithson and Jessica Morgan
23. Project No. 45124 - Rulemaking Regarding Certificates of Convenience and Necessity for DC Ties, Municipally-Owned Utilities, and Non-ERCOT Utilities Pursuant to SB 776, SB 933, and HB 1535 of the 84th Legislature (R.S.) (Proposal for Adoption) Kristin Abbott, Kevin Mathis, and Matthew Arth
24. Project No. 45572 - Review of the Parameters of the Operating Reserve Demand Curve. (Discussion and possible action) Julia Harvey and Jason Haas
25. Project No. 45730 - Project to Evaluate the Power to Choose Website. (Discussion and possible action)
26. Project No. 45780 - Rulemaking Proceeding Related to the Recovery of Federal Income Tax Expense. (Discussion and possible action) Brian Lloyd and Darryl Tietjen
27. 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
28. Project No. 42647 - ERCOT Planning and System Costs Associated with Renewable Resources and New Large DC Ties. (Discussion and possible action)
29. Project No. 41060 - Proceeding to Examine the Inputs Included in the ERCOT Capacity, Demand and Reserves Report. (Discussion and possible action)
30. Project No. 41061 - Rulemaking Regarding Demand Response in the Electric Reliability Council of Texas (ERCOT) Market. (Discussion and possible action)
31. Project No. 42302 - Review of the Reliability Standard in the ERCOT Region. (Discussion and possible action) Julia Harvey and Jason Haas
32. Project No. 40000 - Commission Proceeding to Ensure Resource Adequacy in Texas. (Discussion and possible action) Jason Haas and Julia Harvey
33. Project No. 42750 - Matters Pertaining to or Arising Out of the Chapter 11 Bankruptcy of Energy Future Holdings. (Discussion and possible action) Brian Lloyd
34. Project No. 37344 - Information Related to the Entergy Regional State Committee. (Discussion and possible action)
35. Project No. 41210 - Information Related to the Southwest Power Pool Regional State Committee. (Discussion and possible action)

OPEN MEETING AGENDA
JUNE 9, 2016

36. Project No. 41211 - Information Related to the Organization of MISO States. (Discussion and possible action)
37. 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.
38. Discussion and possible action regarding implementation of state and federal legislation, affecting electricity markets, current and projected rulemaking projects, and Commission priorities.

WATER

39. Docket No. 45710; SOAH Docket No. 473-16-3914.WS - Application of Kempner Water Supply Corporation for Section 13.252 Cease and Desist Order Against the City of Lampasas. (Preliminary Order) John Kramer
40. Project No. 45112 - PUC Rulemaking Proceeding to Amend Chapter 24 for Water/Sewer Pass through Clauses and Surcharge Rules. (Proposal for Publication) Christina Switzer, Kennedy Meier and Debi Loockerman
41. Project No. 45115 - PUC Rulemaking Proceeding to Amend Chapter 22 and 24 - Implementation of SB 1148 (Various Water Regulations Modifications) (Proposal for Adoption) Kennedy Meier, Tammy Benter and Josh Walters
42. Discussion and possible action regarding implementation of state legislation affecting water and sewer companies, current and projected rulemaking projects, and Commission priorities.

GENERAL

43. Project No. 45116 - PUC Rulemaking Proceeding to Amend Chapter 22 - Service Procedure Updates; Phase II of Water/Sewer Utilities; Filing Technology Updates; APA Updates; Limited Procedural Practice Updates; Commission Organization Updates (Proposal for Publication) Kennedy Meier and Tammy Benter
44. 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.
45. Discussion and possible action regarding customer service issues, including but not limited to correspondence and complaint issues.

**OPEN MEETING AGENDA
JUNE 9, 2016**

- 46. Discussion and possible action on infrastructure reliability, emergency management, and homeland security.
- 47. 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, (200th District Court, Travis County Texas)

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-16-001344, (201st 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 (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

Harris County Hospital District v. Public Utility Commission, Cause No. D-1-GN-15-005808, 250th District Court, Travis County

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

OPEN MEETING AGENDA
JUNE 9, 2016

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. 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)

**OPEN MEETING AGENDA
JUNE 9, 2016**

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

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)

Energy Future Holdings Corp., et al., No. 14-10979 (Bankr. D. Del.)

Entergy Texas, Inc. v. Public Utility Commission of Texas; Case No. 16-0385, Texas Supreme Court

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

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

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.

**OPEN MEETING AGENDA
JUNE 9, 2016**

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)

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)

**OPEN MEETING AGENDA
JUNE 9, 2016**

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. EL13-88. Northern Indiana Public Service Company v. MISO and PJM Interconnection, LLC

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

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

**OPEN MEETING AGENDA
JUNE 9, 2016**

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. ER16-1772, Public Service Company of Colorado, Southwest Public Service Company

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.

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.