

PUBLIC UTILITY COMMISSION OF TEXAS

OPEN MEETING AGENDA THURSDAY, AUGUST 18, 2016, 9:30 A.M. Commissioners' Hearing Room 7th Floor, William B. Travis Building

The following items will be taken up first without discussion: 4, 5, 9, 10, 11, 13, 19, 20, 21, 22, 23, 25, 26, 27, 28, 38, 39, 40, 41, 42, 43, 45, 46

The following item will not be taken up: 3, 7, 36, 48

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. 5) 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. 5) Adrienne Waddell
3. Docket No. 42660; SOAH Docket No. 473-15-3697 - Application of GS Texas Ventures, LLC for Designation as an Eligible Telecommunications Carrier (ETC) and as an Eligible Telecommunications Provider (ETP). (Final Order) Hannah Turner
4. Docket No. 45809 - Annual Adjustment to Support from the Small and Rural Incumbent Local Exchange Company Universal Service Plan Pursuant to PURA § 56.032(d). (Final Order) Jeffrey J. Huhn
5. Project No. 42600 - Rulemaking Proceeding to Amend 16 Tex. Admin. Code §§ 26.403, 26.404 and 26.405 to Address Certain Provisions of the TUSF Including Eligibility of Certain Lines and Number of Business Lines Receiving Support. (Proposal for Adoption) AJ Smullen and Liz Kayser
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. 45414; SOAH Docket No. 473-16-4051 - Review of the Rates of Sharyland Utility Company. (Preliminary Order) Lisa Carter
8. Docket No. 45596 - Pedernales Electric Cooperative, Inc.'s Complaint and Request for Emergency Action and for a Cease and Desist Order Against Georgetown Utility Systems. (Preliminary Order) Adrienne Waddell

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9. Docket No. 45854 - Complaint of Giovanni Homes Corporation Against Oncor Electric Delivery Company, LLC. (Preliminary Order) Davida Dwyer
10. Docket No. 46025; SOAH Docket No. 473-16-4956 - Application of Southwestern Public Service Company for Authority to Reconcile Fuel and Purchased Power Costs. (Preliminary Order) Hannah Turner
11. Docket No. 46076; SOAH Docket No. 473-16-4958 - Application of Entergy Texas, Inc. for Authority to Reconcile Fuel and Purchased Power Costs. (Preliminary Order) David Hrncir
12. Docket No. 44800; SOAH Docket No. 473-15-5259 - Application of El Paso Electric Company to Implement a Voluntary Community Solar Pilot Program in Texas. (Final Order) David Hrncir
13. Docket No. 44941; SOAH Docket No. 473-15-5257 - Application of El Paso Electric Company to Change Rates. (Final Order) Carlos Carrasco
14. Docket No. 45308; SOAH Docket No. 473-16-2029 - Application of Sharyland Utilities, L.P. to Amend its Certificate of Convenience and Necessity for the Tall City to Glass 138-kV Transmission Line in Martin and Midland Counties. (Final Order) Carlos Carrasco
15. Docket No. 45397; SOAH Docket No. 473-16-2182 - Application of Sharyland Utilities, L.P. to Amend its Certificate of Convenience and Necessity for the Sale Ranch to Natural Dam 138-kV Transmission Line in Howard and Martin Counties. (Final Order) David Hrncir
16. Docket No. 45622; SOAH Docket No. 473-16-2785 - Application of Sharyland Utilities, LP to Amend its Certificate of Convenience and Necessity for the CREZ Second Circuit Upgrade Project in Briscoe, Carson, Castro, Deaf Smith, Oldham, Potter, and Swisher Counties. (Final Order) Carlos Carrasco
17. Docket No. 45624; SOAH Docket No. 473-16-2751 - Application of City of Garland to Amend a Certificate of Convenience and Necessity for the Rusk to Panola Double-Circuit 345-kV Transmission Line in Rusk and Panola Counties. (Final Order) David Hrncir
18. Docket No. 45824; SOAH Docket No. 473-16-3999 - Application of Southwestern Electric Power Company to Adjust Energy Efficiency Cost Recovery Factor and Related Relief. (Final Order) Davida Dwyer
19. Docket No. 45978 - Application of Entergy Texas, Inc. for Public Utility Commission of Texas Consulting Fee Rider. (Final Order) Irene Montelongo

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20. Docket No. 45991 - Compliance Filing of AEP Texas Central Company for Approval of Rider TC Refund - Refund of Transition Charges. (Final Order) Irene Montelongo
21. Docket No. 46000 - Non-Standard True-up Filing of AEP Texas Central Company Pursuant to the Financing Order in Docket No. 32475. (Final Order) Irene Montelongo
22. Docket No. 46006 - Application of Mariah del Norte, LLC for Approval Pursuant to Section 39.158 of the Public Utility Regulatory Act. (Final Order) Jeffrey J. Huhn
23. Docket No. 46045 - Compliance Tariff Filing of Oncor Electric Delivery Company, LLC to Establish Rider TC2-R Transition Charge Refund. (Final Order) Irene Montelongo
24. Docket No. 46117 - Agreed Notice of Violation and Settlement Agreement Relating to Southwestern Electric Power Company's Violation of PURA § 38.005 and 16 TAC § 25.52, Concerning Reliability and Continuity of Service. (Final Order) Irene Montelongo
25. Docket No. 46154 - Agreed Notice of Violation and Settlement Agreement Relating to Texas-New Mexico Power Company's Violation of PURA § 38.005 and 16 TAC § 55.52, Concerning Reliability and Continuity of Service. (Final Order) Irene Montelongo
26. Docket No. 46162 - Agreed Notice of Violation and Settlement Agreement Related to AEP Texas Central Company's Violations of PURA § 39.151, Related to Essential Organizations, and 16 TAC § 25.503, Related to Oversight of Wholesale Market Participants. (Final Order) Irene Montelongo
27. Docket No. 46172 - Agreed Notice of Violation and Settlement Agreement Relating to El Paso Electric Company's Violations of PURA § 38.005 and 16 TAC § 25.52, Concerning Reliability and Continuity of Service. (Final Order) Irene Montelongo
28. Docket No. 46189 - Agreed Notice of Violation and Settlement Agreement Relating to Oncor Electric Delivery Company, LLC's Violation of PURA § 39.151(d) and 16 TAC § 25.503(f)(8) by Failing to Provide Accurate Real-Time Telemetry to ERCOT. (Final Order) Irene Montelongo
29. Project No. 45633 - Project to Identify Issues Pertaining to Lubbock Power and Light Proposal to Become Part of the Electric Reliability Council of Texas. (Discussion and possible action) Kennedy Meier
30. 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
31. Project No. 42302 - Review of the Reliability Standard in the ERCOT Region. (Discussion and possible action) Julia Harvey and Jason Haas

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32. Project No. 42750 - Matters Pertaining to or Arising Out of the Chapter 11 Bankruptcy of Energy Future Holdings. (Discussion and possible action) Brian Lloyd
33. Project No. 37344 - Information Related to the Entergy Regional State Committee. (Discussion and possible action)
34. Project No. 41210 - Information Related to the Southwest Power Pool Regional State Committee. (Discussion and possible action)
35. Project No. 41211 - Information Related to the Organization of MISO States. (Discussion and possible action)
36. 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.
37. Discussion and possible action regarding implementation of state and federal legislation, affecting electricity markets, current and projected rulemaking projects, and Commission priorities.

WATER

38. Docket No. 45646; SOAH Docket No. 473-16-5075.WS - Complaint of Francisco Rivera Against FM Mobile Home Park. (Preliminary Order) John Kramer
39. Docket No. 45754; SOAH Docket No. 473-16-5118.WS - Complaint of Rhen Realty, LLC Against Office Grove Kingwood Association, Inc. (Preliminary Order) Lisa Carter
40. Docket No. 45781; SOAH Docket No. 473-16-5010.WS - Application of City of Portland to Amend its Certificates of Convenience and Necessity in San Patricio County. (Preliminary Order) Carlos Carrasco
41. Docket No. 45025 - Application of Spring Creek Trails, LLC and Springlife Waterwell for Sale, Transfer, or Merger of Facilities and for Exempt Utility Registration in Harris County. (Final Order) Susan E. Goodson
42. Docket No. 45266 - Application of House Hahl Commercial Owners Association for Exempt Utility Registration. (Final Order) Jeffrey J. Huhn
43. Docket No. 46195 - Petition to Extend the Appointment Term Approved in Docket No. 44949 Relating to Farrar Water Supply Corporation. (Final Order) Irene Montelongo

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44. Project No. 45111 - Project to Amend Chapter 24 for Non-Rate Related Water/Sewer Rules. (Discussion and possible action) Erika Garcia and Tammy Benter
45. Project No. 45113 - Project to Amend Chapter 24 for Water/Sewer Rules for Rate Appeals. (Proposal for Publication) Doug Brown and Tammy Benter
46. Project No. 45759 - Minor Amendments to the Class C Rate Adjustment Form, Instructions and Notice including Formatting and Changes to the Language in the Notice Form. (Proposal for Publication) AJ Smullen and Janie Kohl
47. Discussion and possible action regarding implementation of state legislation affecting water and sewer companies, current and projected rulemaking projects, and Commission priorities.

GENERAL

48. Commission Review of the Definition of Access Line Pursuant to Local Government Code § 283.003(c). Stephen Mendoza
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, 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)

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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)

Town of Woodloch v. PUC, Cause No. D-1-GN-16-002228, Travis County District Court (Appeal of Docket No. 42862)

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. 16-0385 in the Supreme Court of Texas (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, No. 15-0005 in the Texas Supreme Court (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.

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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.

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)

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.)

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

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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.

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. 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

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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

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.

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- 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.