

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

## **OPEN MEETING AGENDA THURSDAY, SEPTEMBER 8, 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.

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### **ELECTRIC**

1. 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. (Supplemental Preliminary Order) David Hrcir
2. Docket No. 45084; SOAH Docket No. 473-16-0581 - Application of Entergy Texas, Inc. for Approval of a Transmission Cost Recovery Factor. (Motion for Rehearing) Carlos Carrasco
3. Docket No. 46075; SOAH Docket No. 473-16-5597 - Application of Southwestern Public Service Company for Authority to Implement a Net Refund Associated with Docket No. 43695 (Application of Southwestern Public Service Company for Authority to Change Rates) (Preliminary Order) Lisa Carter
4. Docket No. 45596 - Pedernales Electric Cooperative, Inc.'s Complaint, Request for Emergency Action, and Request for a Cease and Desist Order Against Georgetown Utility Systems. (Preliminary Order) Adrienne Waddell
5. 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
6. 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 Hrcir
7. 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. (Motion for Rehearing) Carlos Carrasco

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8. Docket No. 45601; SOAH Docket No. 473-16-2938 - Application of LCRA Transmission Services Corporation to Amend its Certificate of Convenience and Necessity for the Zorn - Marion 345-kV Transmission Line Project in Guadalupe County. (Final Order) Lisa Carter
9. Docket No. 45691; SOAH Docket No. 473-16-3273 - Application of Southwestern Electric Power Company for Approval to Amend Transmission Cost Recovery Factor. (Final Order) Davida Dwyer
10. Docket No. 45885; SOAH Docket No. 473-16-4000 - Application of El Paso Electric Company for Approval to Adjust its Energy Efficiency Cost Recovery Factor and Request for Revised Cost Cap. (Final Order) David Hrcnir
11. Docket No. 45916; SOAH Docket No. 473-16-4019 - Application of Southwestern Public Service Company to Adjust its Energy Efficiency Cost Recovery Factor. (Final Order) John Kramer
12. Docket No. 45928; SOAH Docket No. 473-16-4452 - Application of AEP Texas North Company to Adjust its Energy Efficiency Cost Recovery Factor and Related Relief. (Final Order) Hannah Turner
13. Docket No. 45929; SOAH Docket No. 473-16-4453 - Application of AEP Texas Central Company to Adjust its Energy Efficiency Cost Recovery Factor and Related Relief. (Final Order) Hannah Turner
14. Docket No. 46002; SOAH Docket No. 473-16-4432 - Application of Texas-New Mexico Power Company to Adjust the Energy Efficiency Cost Recovery Factor. (Final Order) John Kramer
15. Docket No. 46013; SOAH Docket No. 473-16-4435 - Application of Oncor Electric Delivery Company, LLC to Adjust its Energy Efficiency Cost Recovery Factor. (Final Order) Adrienne Waddell
16. Docket No. 46023 - Agreed Notice of Violation and Settlement Agreement Relating to Brooklet Energy Distribution, LLC's Violations of PURA §§ 17.053 and 39.101(b)(7) and 16 TAC § 25.485(e)(1)(D). (Final Order) Irene Montelongo
17. Project No. 45927 - Rulemaking Regarding Emergency Response Service. (Discussion and possible action) Mark Bryant and Jason Haas
18. 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

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19. Project No. 42302 - Review of the Reliability Standard in the ERCOT Region. (Discussion and possible action) Julia Harvey and Jason Haas
20. Project No. 42750 - Matters Pertaining to or Arising Out of the Chapter 11 Bankruptcy of Energy Future Holdings. (Discussion and possible action) Brian Lloyd
21. Project No. 37344 - Information Related to the Entergy Regional State Committee. (Discussion and possible action)
22. Project No. 41210 - Information Related to the Southwest Power Pool Regional State Committee. (Discussion and possible action)
23. Project No. 41211 - Information Related to the Organization of MISO States. (Discussion and possible action)
24. 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.
25. Discussion and possible action regarding implementation of state and federal legislation, affecting electricity markets, current and projected rulemaking projects, and Commission priorities.

**WATER**

26. Docket No. 45711; SOAH Docket No. 473-16-3113.WS - Petition by Kempner Water Supply Corporation to Revise Rates for Wholesale Water Service to the City of Lampasas. (Appeal of Order No. 5) John Kramer
27. Docket No. 45956; SOAH Docket No. 473-16-5739.WS - Application of City of Schertz to Amend a Sewer Certificate of Convenience and Necessity Under Water Code Section 13.255 and to Decertify a Portion of Green Valley Special Utility District's Certificate Rights in Bexar County. (Preliminary Order) Adrienne Waddell
28. Docket No. 43372; SOAH Docket No. 473-15-5018.WS - Application of the City of McAllen to Amend a Certificate of Convenience and Necessity in Hidalgo County (37982-C). (Final Order) Carlos Carrasco
29. Docket No. 46262 - Petition for an Order Appointing a Temporary Manager to Peach Creek Dam and Lake Club, Inc. in Montgomery County. (Emergency Order) Jeffrey J. Huhn
30. Docket No. 46309 - Petition for an Order Appointing a Temporary Manager to Aero Valley Water Service in Denton County. (Emergency Order) Irene Montelongo

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31. Discussion and possible action regarding implementation of state legislation affecting water and sewer companies, current and projected rulemaking projects, and Commission priorities.

**COMMUNICATIONS**

32. 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
33. Commission Review of the Definition of Access Line Pursuant to Local Government Code § 283.003(c). (Discussion and possible action) Stephen Mendoza
34. Discussion and possible action regarding implementation of state and federal legislation affecting telecommunications markets, current and projected rulemaking projects, and Commission priorities.

**GENERAL**

35. Project No. 46199 - Rulemaking to Amend 16 TAC § 22.181 and 22.182. (Proposal for Publication) Kennedy Meier, Adrienne Waddell and Hannah Turner
36. Project No. 45273 - Rulemaking Proceeding to Add 16 Texas Administrative Code Subchapter E, § 27.170 to Establish a Procedure Identifying Contracts that Require Enhanced Contract Monitoring. (Proposal for Adoption) Jay Stone
37. 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.
38. Discussion and possible action regarding customer service issues, including but not limited to correspondence and complaint issues.
39. Discussion and possible action on infrastructure reliability, emergency management, and homeland security.
40. 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

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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 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, (201<sup>st</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

Harris County Hospital District v. Public Utility Commission, Cause No. D-1-GN-15-005808, 250<sup>th</sup> 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.

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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.

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

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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.

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)

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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)

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.

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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. 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

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- 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.*