

**DOCKET NO. 24348**

<b>PETITION OF COMMISSION STAFF</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>FOR GOOD CAUSE EXCEPTION TO</b>	<b>§</b>	
<b>P.U.C. SUBST. R. 25.214 TARIFF FOR</b>	<b>§</b>	<b>OF TEXAS</b>
<b>RETAIL DELIVERY SERVICE</b>	<b>§</b>	

**ORDER NO. 2**  
**APPROVAL OF WAIVER REQUEST**

On July 3, 2001, the Commission Staff (Staff) of the Public Utility Commission of Texas (Commission) filed a petition and motion for approval of a good cause waiver of certain provisions in P.U.C. SUBST. R. 25.214, Tariff for Retail Delivery Service through duration of pilot project. As a result of the discussion at the June 28, 2001 Open Meeting, the Commission delegated to Policy Development Docket Management the authority to grant additional waivers for good cause in accordance with the Commissioners' discussion at the meeting.<sup>1</sup>

Staff's motion requested that the Commission allow a good cause waiver of the requirements of P.U.C. SUBST. R. 25.214, until December 31, 2001, for all transmission and distribution utilities (TDU) and Competitive Retailers, of the requirement that TDUs and Competitive Retailers complete system testing as a condition for eligibility to provide delivery service under Section 4.3.1 of the pro-forma Retail Delivery Tariff adopted as part of P.U.C. SUBST. R. 25.214(d). Staff maintains that due to unanticipated delay in the development and testing of electronic transactions by market participants and ERCOT, it appears that certain tests have yet to be developed or initiated by the Independent Third Party Testing Administrator (ITPTA). Therefore, Staff believes that because this is a global issue for all service areas, it is appropriate for the Commission to find good cause to waive the requirement, until December 31, 2001, that TDUs and Competitive Retailers complete system testing before they can be eligible for Delivery Service for those tests that have yet to be developed or initiated by the ITPTA.

---

<sup>1</sup> Open Meeting Tr. at 216-226 and 227-231 (June 28, 2001).

On July 10, 2001, TXU Energy Services Company (TXU Energy Services) filed comment with regard to the use of "Option 1" in the Delivery Service Agreement.<sup>2</sup> Specifically, TXU Energy Services provided notice in its comments that it intends to implement Option 1 as soon as it is tested and approved. On July 25, 2001, Staff filed a response to the comments of TXU Energy Services. Staff contends that notwithstanding any misunderstanding, Staff does not object to TXU Energy Services' request concerning the viability of Option 1 and the development of Option 1 work-arounds in the interim until such time as full electronic implementation of Option 1 is technically feasible. However, the undersigned Administrative Law Judge (ALJ) finds that the scope of this docket is limited and, therefore, declines to grant the request of TXU Energy Services in this docket. TXU Energy Services or Staff may seek additional waivers in a separate docket.

Pursuant to P.U.C. SUBST. R. 25.3, and in accordance with the recommendations of Staff, a good cause waiver of the requirements of P.U.C. SUBST. R. 25.214, until December 31, 2001, is **APPROVED** as follows:

1. All TDUs and Competitive Retailers, are granted a good cause waiver of the requirements of P.U.C. SUBST. R. 25.214, until December 31, 2001, that TDUs and Competitive Retailers complete system testing as a condition for eligibility to provide delivery service under Section 4.3.1 of the pro-forma Retail Delivery Tariff adopted as part of P.U.C. SUBST. R. 25.214(d). This waiver shall apply only as to those tests that have yet to be developed or initiated by the Independent Third Party Testing Administrator (ITPTA), and only so long as it takes for those tests to be developed and initiated by the ITPTA. This waiver does not intend to affect any other portion of the tariff or rule.

---

<sup>2</sup> Tariff for Retail Delivery Service, Section 4.11.1, Notification of Interruptions, Irregularities, and Service Requests (May 8, 2001).

2. As a condition of this waiver, Competitive Retailers and TDUs shall use good faith and best efforts to utilize whatever “work-arounds” may be needed until such testing is implemented and completed.

3. All other motions, and/or requests for general or specific relief, if not expressly granted herein are hereby denied for want of merit.

**SIGNED AT AUSTIN, TEXAS the 17th day of August 2001.**

**PUBLIC UTILITY COMMISSION OF TEXAS**

---

**MARK GENTLE  
ADMINISTRATIVE LAW JUDGE  
POLICY DEVELOPMENT DIVISION**