

PROJECT NO. 28677

PETITION OF COALITION OF § PUBLIC UTILITY COMMISSION
RATEPAYERS FOR RULEMAKING TO §
AMEND P.U.C. SUBST. R. 25.263(i) § OF TEXAS

ORDER DENYING PETITION FOR RULEMAKING

On October 6, 2003, the Coalition of Ratepayers¹ (“Coalition”) filed a petition requesting that the Commission initiate a rulemaking to amend P.U.C. SUBST. R. 25.263(i) relating to the capacity auction true-up (“Petition”). The Commission hereby denies the Coalition’s Petition.

Petitioners’ request was docketed as a petition for rulemaking subject to the provisions of TEX. GOV’T. CODE §2001.021 and P.U.C. PROC. R. 22.281. Consistent with P.U.C. PROC. R. 22.281(a)(2), notice of the petition was published for comment in the *Texas Register* on October 17, 2003², with a comment deadline of November 7, 2003.

The following entities filed comments generally in support of the Petition: the City of Houston and the Alliance for Retail Markets. Two members of the Coalition filed separate comments; TIEC and the State of Texas. The following entities filed comments generally opposing the Petition: AEP Texas Central Company, CenterPoint Energy, Inc., TXU Energy Company, and Texas-New Mexico Power Company.

After considering the petition, applicable law, responses, and comments received, the Commission denies the Coalition’s Petition. The issues raised in the Petition were extensively argued in the true-up rulemaking proceeding and the Coalition offers no new reasons why the Commission should revisit the issues at this time.

¹ Coalition of Ratepayers includes Texas Industrial Energy Consumers (TIEC), the Office of Public Utility Counsel, the Gulf Coast Coalition of Cities, the Steering Committee for Cities served by CPL, and the State of Texas (together “Coalition”).

SIGNED AT AUSTIN, TEXAS the _____ day of _____ 2003.

PUBLIC UTILITY COMMISSION OF TEXAS

REBECCA KLEIN, CHAIRMAN

JULIE PARSLEY, COMMISSIONER

PAUL HUDSON, COMMISSIONER

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