

PUBLIC UTILITY COMMISSION OF TEXAS

OPEN MEETING AGENDA FRIDAY, OCTOBER 12, 2012, 9:30 A.M. Commissioners' Hearing Room 7th Floor, William B. Travis Building

The following items will be taken up first without discussion: 1, 5, 10, 15, 16, 19
The following item will not be taken up: 4

Project No. 40019 - Open Meeting Agenda items without an associated control number.

COMMUNICATIONS

1. Docket No. 40486; SOAH Docket No. 473-13-0211 - Notice of Violation by Discount Contractors of Tex. Bus. & Com. Code Ann. § 304 and P.U.C. SUBST. R. 26.37 and 26.125, Relating to Telemarketing. (Preliminary Order) Katherine Lengieza-Gross
2. Docket No. 36633; SOAH Docket No. 473-09-5470 - Petition of CPS Energy for Enforcement Against AT&T Texas and Time Warner Cable Regarding Pole Attachments. (Final Order) Katherine Lengieza-Gross
3. Docket No. 40032 - Petition of Eastex Telephone Cooperative, Inc. et al. for Compulsory Arbitration with Halo Wireless, Inc. Under the Federal Telecommunications Act Relating to Interconnection Rates, Terms and Conditions. (Extend Time to Act) Katherine Lengieza-Gross
4. Project No. 39717 - P.U.C. Rulemaking Proceeding Related to Voice Over Internet Protocol (VoIP) Services and Texas Universal Service Fund (Proposal for Adoption) Davida Dwyer and Cliff Crouch
5. Project No. 39939 - Rulemaking to Consider Amending Chapter 26 of the Telecommunications Substantive Rules, Sub-Chapter P, Relating to the Texas Universal Service Plan Pursuant to PURA 56.023(d). (Proposal for Adoption) Davida Dwyer and David Smithson
6. Project No. 39936 - Report to the Legislature of the Commission's Findings and Orders Regarding its Review and Evaluation of the Texas Universal Service Fund. (Discussion and possible action) Davida Dwyer and David Smithson
7. Project No. 40373 - Report on the Scope of Competition in Telecommunications Markets of Texas. (Discussion and possible action) Meena Thomas and Marshall Adair
8. Discussion and possible action regarding implementation of state and federal legislation affecting telecommunications markets, current and projected rulemaking projects, and Commission priorities.

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ELECTRIC

9. Docket No. 40606; SOAH Docket No. 473-13-0218 - Application of Wind Energy Transmission Texas, LLC for Authority to Establish Initial Rates and Tariffs. (Preliminary Order) Stephen Journey
10. Docket No. 40625; SOAH Docket No. 473-13-0081 - Complaint of Felix Carrillo d/b/a Rancho Viejo Against AP Gas & Electric (TX) LLC d/b/a APG&E. (Preliminary Order) Stephen Journey
11. Docket No. 40020; SOAH Docket No. 473-12-4133 - Application of Lone Star Transmission, LLC for Authority to Establish Interim and Final Rates and Tariffs. (Final Order) Larry Barnes
12. Docket No. 40356; SOAH Docket No. 473-12-6077 - Application of CenterPoint Energy Houston Electric, LLC for Approval of an Adjustment to its Energy Efficiency Cost Recovery Factor. (Final Order) Laura Kennedy
13. Docket No. 40346; SOAH Docket No. 473-12-6206 - Application of Entergy Texas, Inc. for Approval to Transfer Operational Control of its Transmission Assets to the Miso RTO. (Discussion and possible action) John Kramer and Laura Kennedy
14. Docket No. 40118 - Complaint Contesting Notice of Alleged Violation and Proposed Sanction of the Texas Reliability Entity, Inc. (Discussion and possible action) Mark Hovenkamp and Laura Kennedy
15. Docket No. 40616 - Non-Standard True-Up Filing of Entergy Texas, Inc. Pursuant to the Financing Order in Docket No. 37247 Concerning Schedule SCO. (Final Order) Irene Montelongo
16. Docket No. 40617 - Non-Standard True-Up Filing of Entergy Texas, Inc. Pursuant to the Financing Order in Docket No. 37247 Concerning Schedule SRC. (Final Order) Irene Montelongo
17. Project No. 40073 - Rulemaking to Implement HB 2133 by Amending P.U.C. SUBST. R. 25.503 and P.U.C. PROC. R. 22.246. (Proposal for Adoption) Rebecca Reed and Jennifer Littlefield
18. Project No. 40268 - P.U.C. Rulemaking to Amend P.U.C. SUBST. R. 25.505, Relating to Resource Adequacy in the Electric Reliability Council of Texas (ERCOT) Power Region. (Proposal for Adoption) Jason Haas and Diana Leese
19. Project No. 40269 - P.U.C. Rulemaking Proceeding Relating to Priorities for Restoration of Service Following an Extended Power Outage. (Proposal for Adoption) Maria Faconti and Regina Erales

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20. Project No. 38808 - Project to Evaluate the Direct Assignment of Costs for Wholesale Classes in the Oncor Service Area. (Discussion and possible action) Brennan Foley and Bill Abbott
21. Project No. 40372 - Report on the Scope of Competition in Electric Markets in Texas. (Discussion and possible action) Diana Leese and Shawnee Claiborn-Pinto
22. Project No. 40000 - Commission Proceeding to Ensure Resource Adequacy in Texas. (Discussion and possible action) Diana Leese and Jason Haas
23. Project No. 37344 - Information Related to the Entergy Regional State Committee. (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.

GENERAL

26. 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.
27. Discussion and possible action regarding customer service issues, including but not limited to correspondence and complaint issues.
28. Infrastructure Reliability, Emergency Management, and Homeland Security matters. (Discussion and possible action) David Featherston
29. Adjournment for closed session to consider:
 - a. litigation matters, pursuant to Tex. Gov't Code § 551.071(a)(1), regarding pending or contemplated litigation, including but not limited to:

Texas District Courts

AEP Texas Central Company v. PUC, D-1-GN-07-001153, Travis County District Court; Steering Committee of Cities v. PUC, D-1-GN-07-001144, Travis County District Court. (Appeal of Docket No. 32758)

Cities of Beaumont, Conroe, Groves, Nederland, Pine Forest, Port Neches, Rose City, and Silsbee v. PUC, Cause No. D-1-GV-08-000003, Travis County District Court. (Appeals of Docket No. 32710)

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Cities of Corpus Christi, et al. v. Public Utility Commission, No. D-1-GV-06-000973, 201st Judicial District, Travis County District Court. (Appeal of Docket No. 31433)

Cities of Corpus, et al. v. PUC, D-1-GN-08001522, Travis County District Court. (Appeal of Docket No. 33309)

Cities of Dickinson *et al.* v. PUC, D-1-GN-07-000116, Travis County District Court (Appeal of Docket No. 31994)

City of Bryan v. PUC, D-1-GV-08-002325, Travis County District Court (Appeal of Docket No. 35011)

City of Garland v. PUC, D-1-GV-09-001199 (Consolidated), Travis County District Court (Appeal of Docket No. 35665)

City of Kerrville, Kerrville Public Utility Board, and City of Junction vs. PUC, D-1-GV-11-000324, Travis County District Court (Appeal of Docket No. 38354)

City Public Service Board of San Antonio v. Public Util. Comm'n, Cause No. GNO-002343, Travis County District Court. (Appeal of Docket No. 22055)

Entergy Texas, Inc. v. PUCT, Cause No. D-1-GN-09-000816, Travis County District Court, 126th District (Appeal of Docket No. 35269)

Environmental Defense v. TCEQ (White Stallion), D-1-GN-11-000011

Environmental Defense & Texas Clean Air Cities Coal v. TCEQ (Las Brisas), D-1-GN-11-001364

Exelon Wind, LLC v. PUC, Cause No. D-1-GN-10-004130, Travis County District Court (Docket No. 37361)

JD Wind 1, LLC, JD Wind 2, LLC, et al. v. PUC, Cause No. D-1-GV-08-001459, Travis County District Court (Docket No. 34442)

Kathryn Runnells et al. v. TCEQ (White Stallion), D-1-GN-12-002111

Mobberley Road & 285 Partners, Ltd., BVJV Wataugua, L.P., and Duck Point Partners, Ltd. v. PUC, D-1-GN-08-000982, Travis County District Court (Appeal of Docket No. 32871)

Nucor Steel v. PUC, Oncor Electric Delivery Co. and Texas Energy Future Holdings Limited Partnership, Travis County District Court, D-1-GN-08-002467. (Appeal of Docket No. 34077)

Pioneer Natural Resources USA, Inc. v. Public Util. Comm'n, No. D-1-GN-06-003805, 200th Judicial District, Travis County District Court; Pioneer Natural Resources USA, Inc. v. Public Util. Comm'n, No. D-1-GN-06-003209, 126th Judicial District, Travis County District Court. (Appeal of Docket No. 31422)

Power Resource Group, Inc. v. Public Utility Commission, No. GN5-02139, Travis County District Court. (Appeal of Docket No. 30172)

Public Utility Commission v. State Telephone Texas Corporation, No. D-1-GN10-001980, in the 201st District Court of Travis County, Texas (Enforcement of Docket No. 36991 Order)

Public Utilities Board of the City of Brownsville v. PUC, Travis County District Court, D-1-GV-08-001459. (Appeal of Docket No. 34410)

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Sierra Club v. TCEQ (White Stallion), D-1-GN-11-000036

Southwestern Bell Telephone, L.P. v. Current Communications of Texas, L.P., No. 06-11388 in the 162nd District Court of Dallas County, Texas

Southwestern Electric Power Company. v. PUC, 07-10-00108-CV, 7th Court of Appeals (Appeal of Docket No. 33891)

Texas Cable & Telecommunications Association v. Public Util. Comm'n, No. D-1-GN6-001900, Travis County District Court. (SB 5)

Texas New Mexico Power Company v. PUC, D-1-GN-09-000071, Travis County District Court. (Appeal of Docket No. 35038)

Texas Appeals Courts

City of El Paso and El Paso Electric Company v. Public Util. Comm'n. 03-08-00577, in the Third Court of Appeals. (Appeals of Docket No. 26194)

Texas Supreme Court

Constellation Energy v. PUC, No. 11-0904, in the Texas Supreme Court (Appeal of Docket No. 33500)

Federal Courts

Entergy Texas, Inc. v. Barry T. Smitherman, Donna L. Nelson, and Kenneth W. Anderson, Case No. A-09-CA-0183-LY, United States District Court for the Western District of Texas (Appeal of Docket No. 35269)

JD Wind 1, LLC, JD Wind 2, LLC, JD Wind 3, LLC, JD Wind 4, LLC, JD Wind 5, LLC and JD Wind 6, LLC, et al. v. PUC, Cause No. A09CA917SS, Federal District Court (Docket No. 34442).

Occidental Permian Ltd. v. Federal Energy Regulatory Commission, Cause No. 10-1381, DC Circuit Court of Appeals.

Texas Cable & Telecommunications Association v. Perry, et al., No. A-05-CV-721-LY, Western District of Texas No. A-05-CV-721; No. 10-51113, Fifth Circuit Court of Appeals; U.S. Supreme Court, No. 06-51514

Texas Commercial Energy, L.L.C., Case No. 03-20366-C-11, U.S. Bankruptcy Court, Southern District of Texas

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

FCC

In the Matter of ASAP Paging for Preemption of PUC Concerning Retail Rating of Local Calls to CMRS Carriers, FCC DA-04-92; WC 04-6 (Docket No. 25673)

In the Matter of Petition of Alenco Communications, Inc., Big Bend Telephone Company, Dell Telephone Cooperative, Inc., Riviera Telephone Company, Valley Telephone Cooperative, Inc.,

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Texas Statewide Telephone Cooperative, Inc., and Texas Telephone Association for a Declaratory Ruling and for Preemption, CC Docket No. 96-45, Federal Communications Commission

In the Matter of Review of Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers, CC Docket No. 01-338, Federal Communications Commission

In the Matter of Sprint Spectrum, L.P. Petition for Declaratory Ruling that the Kansas Corporation Commission's October 2, 2006 Order in Docket 06-GMIT-446-GIT, WC Docket Nos. 03-109, 07-138, Federal Communications Commission

FERC

FERC Docket No. TX11-2-000, Application of the City of College Station, Texas for an Order Directing a Physical Interconnection of Facilities and Transmission Services for Emergency Purposes only Under 210, 211 and 212 of the FPA and Request for Expedited Action in TX11-2.

FERC Docket No. ER07-682-002, Entergy Services, Inc.

FERC Docket No. ER07-683, Entergy Services, Inc.

FERC Docket No. ER07-956-000, Entergy Services, Inc.

FERC Docket No. ER09-636-000, Entergy Services, Inc.

FERC Docket No. ER09-833-000, Entergy Services, Inc.

FERC Docket No. ER09-1224, 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.

FERC Docket No. ER12-2390, Entergy Services, Inc.

FERC Proceeding to Amend Entergy System Agreement

FERC Docket No. EL09-77-000, JD Wind 1, LLC, JD Wind 2, LLC, JD Wind 3, LLC, JD Wind 4, LLC, JD Wind 5, LLC, JD Wind 6, LLC

FERC Docket No. EL11-62-000, Petition for Creation of a Joint Federal-State Board to Study Electric Reliability

FERC Docket No. EL00-66-013 and EL95-33-009, Louisiana Public Service Commission and the City Council of New Orleans

FERC Docket No. EL01-88, Louisiana Public Service Commission v. Entergy Services, Inc.

FERC Docket No. EL11-34-000, 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. EL11-61-000, Southern Cross Transmission, LLC

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FERC Docket No. TX11-1-000, Joint Application of Southern Cross Transmission, LLC and Pattern Power Marketing, LLC

FERC Docket No. ER10-1069, Southwest Power Pool, Inc.

FERC Docket No. EL10-22-000, Tres Amigas, LLC

FERC Docket No. EL10-396-000, Tres Amigas, LLC

FERC Docket No. EL12-35-000, Midwest Independent Transmission System Operator, et al.

FERC Docket No. EL12-80-000, 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. EL12-107-000, EC12-145-000, ER12-2681-000, ITC Holdings Corporation Energy Corporation Midwest Independent Transmission System Operator, Inc.

- b. Consultation with its attorneys, pursuant to Tex. Gov't Code § 551.071(a)(2).
- c. Personnel matters, pursuant to Tex. Gov't Code § 551.074; discussion and decision regarding personnel matters including but not limited to the Executive Director, the Deputy Executive Director, and the Division Directors.
- d. Security matters pursuant to Tex. Gov't Code § 551.076; including matters under Project No. 24729 and other matters related to deployment, use or implementation of security personnel or devices.

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.