

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

## **OPEN MEETING AGENDA FRIDAY, JANUARY 30, 2015, 9:30 A.M. Commissioners' Hearing Room 7th Floor, William B. Travis Building**

The following items will be taken up first without discussion: 1, 2, 3, 4, 5, 6, 7, 9, 15, 16, 17, 19, 20, 21, 23

Project No. 43879 - Open Meeting Agenda items without an associated control number.

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### **WATER**

1. Docket No. 42921; SOAH Docket No. 473-15-1596 WS - Petition of Nathan Draper Appealing the Cost of Obtaining Service from Gum Springs Water Supply Corporation in Harrison County (37971-X). (Preliminary Order) Carlos Carrasco
2. Docket No. 43135; SOAH Docket No. 473-15-1595 WS - Application of Jackson Water Supply Corporation to Amend a Certificate of Convenience and Necessity in Smith County (37935-C). (Preliminary Order) Lisa Carter
3. Docket No. 43163; SOAH Docket No. 473-15-1854 WS - Application of Westwood Utility Corporation for a Rate/Tariff Change (37964-R). (Preliminary Order) Carlos Carrasco
4. Docket No. 43330; SOAH Docket No. 473-15-1762 WS - Application of Goldenrod Estates Homeowners Association, Inc. for a Rate/Tariff Change (37925-R). (Preliminary Order) John Kramer
5. Docket No. 43344; SOAH Docket No. 473-15-1594 WS - Petition of Enchanted Harbor Utility for Cease and Desist Order Against Anita Koop in Calhoun County. (Preliminary Order) Mark Hovenkamp
6. Docket No. 43720; SOAH Docket No. 473-15-1710 WS - Ratepayers' Appeal of the Decision by the Town of Woodloch to Change Rates (37967-A, 37968-A). (Preliminary Order) Carlos Carrasco
7. Docket No. 43931; SOAH Docket No. 473-15-1626 WS - Appeal of M.E.N. Water Supply Corporation, Angus Water Supply Corporation, Chatfield Water Supply Corporation, Corbet Water Supply Corporation, and the City of Kerens for Review of a Decision by the City of Corsicana to Set Wholesale Water Rates. (Preliminary Order) Davida Dwyer
8. Docket No. 44322 - Request of Yes Prep Public Schools for Emergency Order to Obtain Water Service from Sunbelt Fresh Water Supply District. (Discussion and possible action)

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9. Project No. 43848 - Request for Proposal to Provide Retail Water and Sewer Utility Financial and Managerial Assistance, RFP No. 473-15-00255. (Delegation of Authority to the Executive Director) Brian Lloyd
10. Discussion and possible action regarding implementation of state legislation affecting water and sewer companies, current and projected rulemaking projects, and Commission priorities.

**COMMUNICATIONS**

11. Docket No. 42660 - Application of GS Texas Ventures, LLC for Designation as an Eligible Telecommunications Carrier (ETC) and as an Eligible Telecommunications Provider (ETP). (Final Order) Susan E. Goodson
12. Project No. 44064 - Comments to the FCC in CC Docket No. 96-45 "In the Matter of Federal State Joint Board on Universal Service/Kingsgate Telephone, Inc. Petition for Waiver of the Definition of "Study Area" in the Appendix - Glossary of Part 36." (Discussion and possible action) Meena Thomas and AJ Smullen
13. Discussion and possible action regarding implementation of state and federal legislation affecting telecommunications markets, current and projected rulemaking projects, and Commission priorities.

**ELECTRIC**

14. Docket No. 42111; SOAH Docket No. 473-14-2352 - Complaint of Nawaid Isa Against Ambit Energy and CenterPoint Energy Houston Electric, LLC. (Appeal of Order No. 11) Davida Dwyer
15. Docket No. 42110 - Petition of Central Texas Electric Cooperative, Inc. for a Cease and Desist Order and a Declaratory Order Regarding Service to the Bob Price Chevrolet Dealership. (Preliminary Order) Stephen Journeay
16. Docket No. 43865; SOAH Docket No. 473-15-1847 - Petition of Sharyland Utilities, L.P. for Approval of Transmission Cost Recovery Factor Update. (Preliminary Order) Davida Dwyer
17. Docket No. 43950; SOAH Docket No. 473-15-1782 - Application of Cross Texas Transmission, LLC for Authority to Change Rates and Tariffs. (Preliminary Order) Lisa Carter
18. Docket No. 42252; SOAH Docket No. 473-14-2457 - Application of Southwestern Electric Power Company for Authority to Revise its Qualified Facility Non-Firm Power Purchase Schedule and Purchase Power Service Tariffs. (Final Order) Hannah Turner
19. Docket No. 43111; SOAH Docket No. 473-15-0370 - Application of Entergy Texas, Inc. for Approval of a Distribution Cost Recovery Factor. (Final Order) Davida Dwyer

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20. Docket No. 43675 - Non-Standard True-Up filing of AEP Texas Central Company Pursuant to the Financing Order in Docket No. 21528. (Final Order) Irene Montelongo
21. Docket No. 43961 - Agreed Notice of Violation and Settlement Agreement Relating to MP2 Energy, LLC's Violations of PURA § 39.151(d), P.U.C. SUBST. R. 25.503(f)(2) and 25.507(d)(6), and ERCOT Protocols § 8.1.3.3.1(1)(b) and (c), Relating to Performance Criteria for Qualified Scheduling Entities Representing Emergency Response Service Resources. (Final Order) Irene Montelongo
22. Docket No. 43958 - Application for Approval of an Amendment to Certificate of Convenience and Necessity and for Public Interest Determination for Purchase of Unit 1, Union Power Station. (Discussion and possible action)
23. Project No. 21072 - Goal for Natural Gas, Waiver of Filing Requirements and Annual Report for 2015. (Discussion and possible action) Richard Greffe
24. 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
25. Project No. 41060 - Proceeding to Examine the Inputs Included in the ERCOT Capacity, Demand and Reserves Report. (Discussion and possible action)
26. Project No. 41061 - Rulemaking Regarding Demand Response in the Electric Reliability Council of Texas (ERCOT) Market. (Discussion and possible action)
27. Project No. 42302 - Review of the Reliability Standard in the ERCOT Region. (Discussion and possible action) Julia Harvey and Jason Haas
28. Project No. 40000 - Commission Proceeding to Ensure Resource Adequacy in Texas. (Discussion and possible action) Diana Coleman and Jason Haas
29. Project No. 42750 - Matters Pertaining to or Arising Out of the Chapter 11 Bankruptcy of Energy Future Holdings. (Discussion and possible action) Tom Hunter
30. Project No. 37344 - Information Related to the Entergy Regional State Committee. (Discussion and possible action)
31. Project No. 41210 - Information Related to the Southwest Power Pool Regional State Committee. (Discussion and possible action)
32. Project No. 41211 - Information Related to the Organization of MISO States. (Discussion and possible action)

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33. 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.
34. Discussion and possible action regarding implementation of state and federal legislation, affecting electricity markets, current and projected rulemaking projects, and Commission priorities.

**GENERAL**

35. 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.
36. Discussion and possible action regarding customer service issues, including but not limited to correspondence and complaint issues.
37. Discussion and possible action on infrastructure reliability, emergency management, and homeland security.
38. 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 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

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)

**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)

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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, -03-11-00072-CV in the Third Court of Appeals (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.

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.

Crystal Clear Water Supply Corporation v. Vickery, No. 03-13-00528-CV, Third Court of Appeals

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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 v. GDF SUEZ Energy North America, No. 4:14-CV-01111 (S.D. Tex)

Energy Future Holdings Corp., et al., No. 14-10979 (Bankr. D. Del.)

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)

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

Glacial Energy of Texas, Case No. 14-10845-CSS, United States Bankruptcy Court for the District of Delaware

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)

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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)

**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. 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)

**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

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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. 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)

**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.

- 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.

**OPEN MEETING AGENDA  
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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.*