

PROJECT NO. 42227

RULEMAKING PROCEEDING TO	§	PUBLIC UTILITY COMMISSION
REPEAL PUC PROC. R. 22.252	§	
RELATING TO PROCEDURES FOR	§	OF TEXAS
APPROVAL OF ERCOT FEES AND	§	
RATES	§	

**PROPOSAL FOR PUBLICATION OF REPEAL OF §22.252
AS APPROVED AT THE MARCH 6, 2014 OPEN MEETING**

The Public Utility Commission of Texas (commission) proposes the repeal of §22.252, relating to Procedures for Approval of ERCOT Fees and Rates. The proposed repeal will remove from the commission's procedural rules an obsolete section that no longer has a function and that does not accurately reflect the process used by the commission when it reviews and approves the ERCOT budget. Project Number 42227 is assigned to this proceeding.

Slade Cutter, Rate Regulation Division, has determined that for each year of the first five-year period the repeal is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Mr. Cutter has determined that for each year of the first five years the repeal is in effect the public benefit anticipated as a result of the repeal will be the elimination of a section no longer required. There will be no adverse economic effect on small businesses or micro-businesses as a result of enforcing this section. Therefore, no regulatory flexibility analysis is required. There is no anticipated economic cost to persons who are required to comply with the repeal.

Mr. Cutter has also determined that for each year of the first five years the repeal is in effect there should be no effect on a local economy, and therefore no local employment impact statement is required under Administrative Procedure Act (APA), Texas Government Code §2001.022.

The commission staff will conduct a public hearing on this rulemaking, if requested pursuant to the Administrative Procedure Act, Texas Government Code §2001.029, at the commission's offices located in the William B. Travis Building, 1701 North Congress Avenue, Austin, Texas 78701 at 1:00 p.m. on Wednesday, April 23, 2014. The request for a public hearing must be received within 30 days after publication.

Comments on the proposed repeal may be submitted to the Filing Clerk, Public Utility Commission of Texas, 1701 North Congress Avenue, P.O. Box 13326, Austin, Texas 78711-3326, on or before April 21, 2014. Sixteen copies of comments to the proposed amendment are required to be filed pursuant to §22.71(c) of this title. Comments should be organized in a manner consistent with the organization of the proposed rule(s). The commission invites specific comments regarding the costs associated with, and benefits that will be gained by, implementation of the proposed section. The commission will consider the costs and benefits in deciding whether to adopt the section. All comments should refer to Project Number 42227.

This repeal is proposed under the Public Utility Regulatory Act, Texas Utilities Code Annotated §14.002 (West 2007 and Supp. 2013) (PURA), which provides the Public Utility Commission with the authority to make and enforce rules reasonably required in the exercise of its powers and jurisdiction; PURA §14.052, which gives the commission authority to make and enforce rules of

practice and procedure; and specifically, PURA §39.151, which grants the commission oversight and review authority over an independent organization to which the commission delegates its authority to adopt and enforce rules relating to the reliability of the regional electric network and accounting for the production and delivery of electricity among market participants. PURA §39.151 also provides that an independent organization is directly responsible and accountable to the commission; provides that the commission has complete authority to oversee and investigate the organization's finances, budget, and operations as necessary to ensure the organization's accountability and to ensure that it adequately performs its functions and duties; and requires an independent organization to provide reports and information relating to the independent organization's performance of its functions and relating to the organization's revenues, expenses, and other financial matters. This section directs the commission to investigate the organization's cost efficiencies, salaries and benefits, and use of debt financing and permits it to require an independent organization to provide any information needed to effectively evaluate the organization's budget and the reasonableness and neutrality of a rate or proposed rate or the effectiveness or efficiency of the organization.

Cross Reference to Statutes: Public Utility Regulatory Act §§14.002, 14.052, and 39.151.

§22.252. Procedures for Approval of ERCOT Fees and Rates.

REPEAL

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

**ISSUED IN AUSTIN, TEXAS ON THE 7th DAY OF MARCH 2014 BY THE
PUBLIC UTILITY COMMISSION OF TEXAS
ADRIANA A. GONZALES**