

PUBLIC UTILITY COMMISSION OF TEXAS

OPEN MEETING AGENDA WEDNESDAY, JULY 20, 2016, 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, 10, 13, 14, 15, 17, 22, 23, 24, 25, 26, 27, 28, 29

The following item will not be taken up: 9, 12

Project No. 45448 - Open Meeting Agenda items without an associated control number.

WATER

1. Docket No. 45848; SOAH Docket No. 473-16-5011.WS - City of Celina's Notice of Intent to Provide Water and Sewer Service to Area Decertified from Aqua Texas, Inc. in Denton County. (Preliminary Order) Hannah Turner
2. Docket No. 45870; SOAH Docket No. 473-16-4619.WS - Complaint of Ker-Seva Ltd. Against the City of Frisco. (Preliminary Order) Lisa Carter
3. Docket No. 45923; SOAH Docket No. 473-16-4745.WS - Complaint of Yaney Gurrusquieta Against Southern Utilities. (Preliminary Order) Davida Dwyer
4. Docket No. 45679 - Zipp Road Utility Company LLC's Notice of Intent to Provide Sewer Service to Area Decertified from Guadalupe-Blanco River Authority in Guadalupe County. (Preliminary Order) David Hrcir
5. Docket No. 45702 - Application of the City of Cibolo for Single Certification in Incorporated Area and to Decertify Portions of Green Valley Special Utility District's Sewer Certificate of Convenience and Necessity in Guadalupe County. (Supplemental Preliminary Order) Davida Dwyer
6. Docket No. 43242; SOAH Docket No. 473-15-4435.WS - Application of Wiedenfeld Water Works, Inc. for a Rate/Tariff Change. (Final Order) Hannah Turner
7. Project No. 45111 - P.U.C. Rulemaking Proceeding to Amend Chapter 24 for Non-Rate Related Water/Sewer Rules. (Proposal for Publication) Erika Garcia and Tammy Benter
8. Discussion and possible action regarding implementation of state legislation affecting water and sewer companies, current and projected rulemaking projects, and Commission priorities.

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COMMUNICATIONS

9. Project No. 42600 - Rulemaking Proceeding to Amend 16 Tex. Admin. Code §§ 26.403, 26.404, and 26.405 to Address Certain Provisions of the TUSF Including Eligibility of Certain Lines and Number of Business Lines Receiving Support (Proposal for Publication) AJ Smullen and Liz Kayser
10. Project No. 45224 - Numbering Plan Area Code Relief Planning for the 210 Area Code. (Discussion and possible action) Alicia Maloy and Jason Haas

ELECTRIC

11. Docket No. 45175; SOAH Docket No. 473-16-1119 - Appeal of Brazos Electric Power Cooperative, Inc. and Denton County Electric Cooperative, Inc. d/b/a Coserv Electric from an Ordinance of the Colony, Texas, and, in the Alternative, Application for a Declaratory Order. (Discussion and possible action, including Appeal of Order No. 7) David Hrcir
12. Docket No. 45414; SOAH Docket No. 473-16-4051 - Review of the Rates of Sharyland Utility Company. (Preliminary Order) Lisa Carter
13. Docket No. 45936; SOAH Docket No. 473-16-4620 - Complaint of Allen Hejl Against Oncor Electric Delivery Company LLC. (Preliminary Order) Davida Dwyer
14. Docket No. 46050; SOAH Docket No. 473-16-4822 - Application of AEP Texas Central Company, AEP Texas North Company, and AEP Utilities, Inc. for Approval of Merger. (Preliminary Order) Hannah Turner
15. Docket No. 44498; SOAH Docket No. 473-15-2694 - Review of Rate Case Expenses Incurred by Southwestern Public Service Company and Municipalities in Docket No. 43695 (Final Order) Davida Dwyer
16. Docket No. 45170; SOAH Docket No. 473-16-1403 - Application of Brazos Electric Power Cooperative, Inc. for an Amendment to its Certificate of Convenience and Necessity for a 138-kV Transmission Line in Denton County. (Final Order) Carlos Carrasco
17. Docket No. 45247; SOAH Docket No. 473-16-2028 - Application of Houston County Electric Cooperative, Inc. for an Amendment to its Certificate of Convenience and Necessity for a 138-kV Transmission Line in Houston County. (Final Order) David Hrcir
18. Docket No. 45308; SOAH Docket No. 473-16-2029 - Application of Sharyland Utilities, L.P. to Amend its Certificate of Convenience and Necessity for the Tall City to Glass 138-kV Transmission Line in Martin and Midland Counties. (Final Order) Carlos Carrasco

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19. Docket No. 45397; SOAH Docket No. 473-16-2182 - Application of Sharyland Utilities, L.P. to Amend its Certificate of Convenience and Necessity for the Sale Ranch to Natural Dam 138-kV Transmission Line in Howard and Martin Counties. (Final Order) David Hrcir
20. Docket No. 45622; SOAH Docket No. 473-16-2785 - Application of Sharyland Utilities, LP to Amend its Certificate of Convenience and Necessity for the CREZ Second Circuit Upgrade Project in Briscoe, Carson, Castro, Deaf Smith, Oldham, Potter, and Swisher Counties. (Final Order) Carlos Carrasco
21. Docket No. 45747; SOAH Docket No. 473-16-3581 - Application of CenterPoint Energy Houston Electric, LLC to Amend its Distribution Cost Recovery Factor and to Reconcile Docket No. 44572 Revenues. (Final Order) John Kramer
22. Docket No. 45787; SOAH Docket No. 473-16-3594 - Application of AEP Texas Central Company for Approval of a Distribution Cost Recovery Factor. (Final Order) Hannah Turner
23. Docket No. 45788; SOAH Docket No. 473-16-3595 - Application of AEP Texas North Company for Approval of a Distribution Cost Recovery Factor. (Final Order) Carlos Carrasco
24. Docket No. 45888; SOAH Docket No. 473-16-3920 - Application of Entergy Texas, Inc. to Implement and Interim Fuel Refund. (Final Order) John Kramer
25. Docket No. 45753 - Application of Luminant Generation Company, LLC and Oncor Electric Delivery Company, LLC to Transfer Ownership and Administration of the Comanche Peake Nuclear Power Plant Decommissioning Trust Pursuant to § 39.205 of the Public Utility Regulatory Act and § 25.303(d) of 16 Tex. Admin. Code. (Final Order) Jeffrey J. Huhn
26. Docket No. 45764 - Application of Atlas Power Finance, LLC for Approval Pursuant to § 39.158 of the Public Utility Regulatory Act. (Final Order) Jeffrey J. Huhn
27. Docket No. 45900 - Agreed Notice of Violation and Settlement Agreement Relating to Oncor Electric Delivery Company's Violation of PURA §§ 17.004(a)(7) and 39.101(a)(6), Related to Accuracy of Metering and Billing Data, 16 TAC § 25.88(d)(2), Relating to Retail Market Performance Measure Reporting, and 16 TAC § 25.214(c) and (d), Relating to Transmission and Distribution Utility Tariffs. (Final Order) Irene Montelongo
28. Docket No. 46079 - Agreed Notice of Violation and Settlement Agreement Related to NRG Texas Power, LLC's Violations of PURA § 39.151, Related to Essential Organizations, and 16 TAC § 25.503, Related to Oversight of Wholesale Market Participants. (Final Order) Irene Montelongo

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29. Project No. 28073 - P.U.C. Proceeding to Set the System Benefit Fund Fee. (Discussion and possible action) Jay Stone
30. Project No. 45633 - Project to Identify Issues Pertaining to Lubbock Power and Light Proposal to Become Part of the Electric Reliability Council of Texas. (Discussion and possible action) Kennedy Meier
31. Project No. 45730 - Project to Evaluate the Power to Choose Website. (Discussion and possible action)
32. 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
33. Project No. 42302 - Review of the Reliability Standard in the ERCOT Region. (Discussion and possible action) Julia Harvey and Jason Haas
34. Project No. 42750 - Matters Pertaining to or Arising Out of the Chapter 11 Bankruptcy of Energy Future Holdings. (Discussion and possible action) Brian Lloyd
35. Project No. 37344 - Information Related to the Entergy Regional State Committee. (Discussion and possible action)
36. Project No. 41210 - Information Related to the Southwest Power Pool Regional State Committee. (Discussion and possible action)
37. Project No. 41211 - Information Related to the Organization of MISO States. (Discussion and possible action)
38. 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.
39. Discussion and possible action regarding implementation of state and federal legislation, affecting electricity markets, current and projected rulemaking projects, and Commission priorities.

GENERAL

40. 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.

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41. Discussion and possible action regarding customer service issues, including but not limited to correspondence and complaint issues.
42. Discussion and possible action on infrastructure reliability, emergency management, and homeland security.
43. 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 Austin, Texas v. Public Utility Commission of Texas and State Office of Administrative Hearings and North Austin Municipal Utility District No. 1, Northtown Municipal Utility District, Travis County Water Control and Improvement District No. 10 and Wells Branch Municipal Utility District, D-1-GN-15-000513, (200th District Court, Travis County Texas)

City of Austin, Texas v. Public Utility Commission of Texas and State Office of Administrative Hearings and North Austin Municipal Utility District No. 1, Northtown Municipal Utility District, Travis County Water Control and Improvement District No. 10 and Wells Branch Municipal Utility District, D-1-GN-16-001344, (201st District Court, Travis County Texas)

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 (199th 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

Harris County Hospital District v. Public Utility Commission, Cause No. D-1-GN-15-005808, 250th District Court, Travis County

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)

Town of Woodloch v. PUC, Cause No. D-1-GN-16-002228, Travis County District Court (Appeal of Docket No. 42862)

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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Entergy Texas, Inc. v. Public Utility Commission, 03-14-00735-CV in the Texas Supreme Court (No. 16-0385) (Appeal of Docket No. 39896)

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.

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Crystal Clear Water Supply Corporation v. Vickery, No. 14-1010, Texas Supreme Court, Third Court of Appeals

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, et al. v. GDF SUEZ Energy North America, et al. No. 15-20125 (United States Court of Appeals for the Fifth Circuit)

CPV Maryland, LLC v. PPL EnergyPlus, LLC, Case No. 14-623, (United States Court of Appeals for the Fourth Circuit)

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)

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

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

Federal Energy Regulatory Commission v. Electric Power Supply Association, et al., Case No. 14-840 and EnerNoc, Inc. et al., v. Electric Power Supply Association, et al., Case No. 14-841 (United States Supreme Court)

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

Hughes v. PPL EnergyPlus, LLC, Case No. 14-614, (United States Court of Appeals for the Fourth Circuit)

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.

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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)

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)

FERC Docket No. ER15-1437, Entergy Services, Inc. (Union Power)

FERC Docket No. AC15-70, Entergy Services, Inc. (Union Power)

FERC Docket No. EC15-98, Entergy Services, Inc. (Union Power)

FERC Docket No. ER15-2633, Entergy Services, Inc. (ESI/EMI service agreement)

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)

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FERC Docket No. EL10-65, Louisiana v. Entergy (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)

FERC Docket No. ER 15-1826, Entergy Services, Inc. (Bandwidth)

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

FERC Docket No. EL15-66, Entergy Export Customers v. MISO

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. EL16-46, LS Power Development, LLC and Cross Texas Transmission, LLC

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)

FERC Docket No. ER16-56, Midcontinent Independent System Operator (hurdle rate)

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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.

FERC Docket No. ER16-1772, Public Service Company of Colorado, Southwest Public Service Company

FERC Docket No. TX 16-1, Public Service Company of Oklahoma

- 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.

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.