

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

## **OPEN MEETING AGENDA THURSDAY, SEPTEMBER 22, 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, 6, 9, 10, 14, 22, 23, 24, 35, 36, 37, 38

The following item will not be taken up: 11 and 20

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

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### **WATER**

1. Docket No. 46120; SOAH Docket No. 473-16-5823.WS - City of Midlothian's Notice of Intent to Serve Area Decertified from Mountain Peak Special Utility District in Ellis County. (Preliminary Order) Mark Hovenkamp
2. Docket No. 46140; SOAH Docket No. 473-16-6049.WS - City of Lampasas Notice of Intent to Provide Water Service to Area Decertified from Kempner Water Supply Corporation in Lampasas County. (Preliminary Order) Mark Hovenkamp
3. Docket No. 46247; SOAH Docket No. 473-17-0067.WS - Application of Double Diamond Property Construction CO DBA Rock Creek for a Water Rate/Tariff Change. (Preliminary Order) Carlos Carrasco
4. Docket No. 42860; SOAH Docket No. 473-14-5140.WS - Application of Douglas Utility Company to Change Water and Sewer Rate/Tariff in Harris County, Texas. (Final Order) Davida Dwyer
5. Docket No. 44911; SOAH Docket No. 473-16-3635.WS - Application of Bolivar Utility Services, LLC for a Rate/Tariff Change. (Final Order) John Kramer
6. Docket No. 45645 - Complaint of Monica Brieger Against SWWC Utilities, Inc. d/b/a Hornsby Bend Utility. (Final Order) Susan E. Goodson
7. Docket No. 45902 - Petition of Carma Easton, LLC to Amend Creedmoor-Maha Water Supply Corporation's Certificate of Convenience and Necessity in Travis County by Expedited Release. (Final Order) Jeffrey J. Huhn
8. Docket No. 46148 - Petition of Las Colinas San Marcos Phase I, LLC to Amend Crystal Clear Special Utility District's Certificate of Convenience and Necessity in Hays County by Expedited Release. (Final Order) Jeffrey J. Huhn

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9. Docket No. 46262 - Petition for an Order Appointing a Temporary Manager to Peach Creek Dam and Lake Club, Inc. in Montgomery County. (Emergency Order) Jeffrey J. Huhn
10. Docket No. 46309 - Petition for an Order Appointing a Temporary Manager to Aero Valley Water Service in Denton County. (Emergency Order) Irene Montelongo
11. Project No. 46151 - Project to Amend 16 Tex. Adin. Code § 24.113, Relating to Revocation or Amendment of a Water or Sewer Certificate and § 24.120 Relating to Single Certification in Incorporated or Annexed Areas. (Proposal for Publication) Erika Garcia
12. Discussion and possible action regarding implementation of state legislation affecting water and sewer companies, current and projected rulemaking projects, and Commission priorities.

**COMMUNICATIONS**

13. Docket No. 42660; SOAH Docket No. 473-15-3697 - Application of GS Texas Ventures, LLC for Designation as an Eligible Telecommunications Carrier (ETC) and as an Eligible Telecommunications Provider (ETP). (Preliminary Order) Hannah Turner
14. Docket No. 46091; SOAH Docket No. 473-16-5909 - Notice of Violation by GPSPS, Inc. of PURA § 55.303, Related to Verification of Change, and § 17.151(a) (2), Related Requirements for Submitting Charges; and 16 TAC § 26.130(c) (1), Related to Changes by a Telecommunications Utility and § 26.32(d), Related to Protection Against Unauthorized Billing Charges. (Preliminary Order) Davida Dwyer
15. Docket No. 45971 - Application of Dell Telephone Cooperative, Inc. to Recover Funds from the Texas Universal Service Fund Pursuant to PURA § 56.025 and 16 TAC § 26.406. (Final Order) Jeffrey J. Huhn
16. Project No. 45634 - 2017 Report on the Scope of Competition in Telecommunications Markets in Texas. (Discussion and possible action). Fred Goodwin and Liz Kayser
17. Discussion and possible action regarding implementation of state and federal legislation affecting telecommunications markets, current and projected rulemaking projects, and Commission priorities.

**ELECTRIC**

18. Docket No. 45084; SOAH Docket No. 473-16-0581 - Application of Entergy Texas, Inc. for Approval of a Transmission Cost Recovery Factor. (Motion for Rehearing) Carlos Carrasco

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19. Docket No. 45414; SOAH Docket No. 473-16-4051 - Review of the Rates of Sharyland Utility Company. (Discussion and possible action, including Preliminary Order) Lisa Carter
20. Docket No. 45885; SOAH Docket No. 473-16-4000 - Application of El Paso Electric Company for Approval to Adjust its Energy Efficiency Cost Recovery Factor and Request for Revised Cost Cap. (Final Order) David Hrcir
21. Docket No. 45915; SOAH Docket No. 473-16-4020 - Application of Entergy Texas, Inc. for Authority to Adjust its Energy Efficiency Cost Recovery Factor. (Final Order) Carlos Carrasco
22. Docket No. 46106 - Application of Invenergy Wind Global, LLC for Approval Pursuant to Section 39.158 of the Public Utility Regulatory Act. (Final Order) Jeffrey J. Huhn
23. Docket No. 46291 - Agreed Notice of Violation and Settlement Agreement Relating to City of Austin d/b/a Austin Energy's Noncompliance with PURA § 39.151, 16 TAC §§ 25.503(f) and 25.507(f)(2) and ERCOT Protocols § 8.1.3.3.1, Related to Suspension of Qualification of Non-Weather-Sensitive Emergency Response Service Resources and/or Their Qualified Scheduling Entities. (Final Order) Irene Montelongo
24. Docket No. 46307 - Agreed Notice of Violation and Settlement Agreement Relating to Southwestern Public Service Company's Violation of PURA § 38.005 and 16 TAC § 25.52, Concerning Reliability and Continuity of Service. (Final Order) Irene Montelongo
25. 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
26. Project No. 45635 - Scope of Competition in Electric Markets Report. (Discussion and possible action). Kristin Abbott, Liz Kayser and Julia Harvey
27. 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
28. Project No. 42302 - Review of the Reliability Standard in the ERCOT Region. (Discussion and possible action) Julia Harvey 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) Brian Lloyd
30. Project No. 37344 - Information Related to the Entergy Regional State Committee. (Discussion and possible action)

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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)
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. Project No. 38639 - Project Relating to Live Internet Broadcast of Public Hearings and Meetings Pursuant to PURA § 12.204. (Discussion and possible action, including final order) Brian Lloyd
36. Project No. 46244 - Request for Proposal for Assistance in Reviewing the Change in Control Filing of Energy Future Holdings Corporation. (Discussion and possible action, including final order) Brian Lloyd
37. Project No. 45746 - Request for Qualifications for Outside Counsel to Represent the Public Utility Commission of Texas with Regard to Federal Proceedings. (Discussion and possible action, including final order) Brian Lloyd
38. Project No. 45872 - Request for Proposals to Provide Relay Access Services. (Discussion and possible action, including final order) Brian Lloyd
39. 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.
40. Discussion and possible action regarding customer service issues, including but not limited to correspondence and complaint issues.
41. Discussion and possible action on infrastructure reliability, emergency management, and homeland security.
42. Adjournment for closed session to consider one or more of the following items:

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- 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, (200<sup>th</sup> 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, (201<sup>st</sup> 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 (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

Harris County Hospital District v. Public Utility Commission, Cause No. D-1-GN-15-005808, 250<sup>th</sup> 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)

Entergy Texas, Inc. v. Public Utility Commission, No. 16-0385 in the Supreme Court of Texas (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, No. 15-0005 in the Texas Supreme Court (Appeal of Docket No. 35717)

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**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.

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)

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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.

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)

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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)

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**

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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)

**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.

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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.*