

The Public Utility Commission of Texas (Commission) proposes an amendment to §25.237 relating to Fuel Factors. The proposed amendment will conform the section to the requirement of Chapter 41 of the Public Utility Regulatory Act (PURA). The commission interprets this chapter as exempting electric cooperatives from fuel reconciliations after September 1, 1999. The proposed amendment will eliminate any reference to electric cooperatives in §25.237. Project Number 21232 has been assigned to this proceeding.

Harold Hughes, Sr. Electric Utility Engineer in the Office of Regulatory Affairs, has determined that for each year of the first five-year period the proposed section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Mr. Hughes has determined that for each year of the first five years the proposed section is in effect the public benefit anticipated as a result of enforcing the section will be to conform the commission's rule to the requirements of Senate Bill 7, 76th Legislature, Regular Session (1999). There will be no effect on small businesses or micro-businesses as a result of enforcing this section. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Mr. Hughes has also determined that for each year of the first five years the proposed section is in effect there should be no affect on a local economy, and therefore no local employment impact statement is required under Administrative Procedure Act §2001.022.

Comments on the proposed amendment (16 copies) may be submitted to the Filing Clerk, Public Utility Commission of Texas, 1701 North Congress Avenue, P.O. Box 13326, Austin, Texas 78711-3326, within 30 days after publication. 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 21232.

This amendment is proposed under the Public Utility Regulatory Act, Texas Utilities Code Annotated §14.002 (Vernon 1998) (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, and specifically PURA §41.004 which limits the commission's jurisdiction over electric cooperatives.

Cross Index to Statutes: Public Utility Regulatory Act §14.002, §41.001.

§25.237. Fuel Factors.

(a)-(c) (No change.)

(d) **Schedule for filing petitions to revise fuel factors**. A petition to revise fuel factors may be filed with any general rate proceeding. Otherwise, except as provided by subsection (f) of this section which addresses emergencies, petitions by an electric utility to revise fuel factors may only be filed during the first five business days of the month in accordance with the following schedule:

- (1) January and July: El Paso Electric Company and Central Power and Light Company;
- (2) February and August: Texas Utilities Electric Company~~[and Brazos Electric Power Cooperative, Inc.]~~;
- (3) March and September: West Texas Utilities Company and Entergy Gulf States, Inc.
- (4) April and October: Houston Lighting & Power Company;
- (5) May and November: Southwestern Electric Power Company, Southwestern Public Service Company, and Lower Colorado River Authority; and
- (6) June and December: Texas-New Mexico Power Company,~~[South Texas Electric Cooperative, Inc., San Miguel Electric Cooperative, Inc.,]~~ and any other electric utility not named in this subsection that uses one or more fuel factors.

(e)-(f) (No change.)

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

**ISSUED IN AUSTIN, TEXAS ON THE 16th DAY OF SEPTEMBER, 1999 BY THE
PUBLIC UTILITY COMMISSION OF TEXAS
RHONDA G. DEMPSEY**