Public Utility Commission of Texas

January 8, 2009

A weekly meeting schedule and activity briefs service of the Public Utility Commission





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Public Utility Commission of Texas, P.O. Box 13326, Austin, TX 78711-3326

■ Weekly Agenda: January 12-16, 2009

Monday 1/12//09		
1:00 p.m. CHR, 7-100 7th Floor, Travis Bldg.	Workshop	Docket #34610 Implementation project related to advanced metering; (Christine Wright)
Tuesday 1/13//09		
9:30 a.m. CHR, 7-100 7th Floor, Travis Bldg.	Workshop	Docket #34610 Implementation project related to advanced metering; (Christine Wright)
Wednesday 1/14//09		
9:30 a.m. CHR, 7-100 7th Floor, Travis Bldg.	Open Meeting	See Open Meeting Agenda
2:00 p.m. HR Gee 7-120 7th Floor, Travis Bldg.	Prehearing Conference	Docket #36374 Commission Staff's Application to Set 2009 Wholesale Transmission Service Charges for the Electric Reliability Council of Texas; (Irene Montelongo)
Thursday 1/15//09		
9:00 a.m. CHR, 7-100 7th Floor, Travis Bldg.	Workshop	Docket # 36223 TDU Advanced Metering Prepaid (Christine Wright)
10:00 a.m. HR Gee 7-120 7th Floor, Travis Bldg.	Workshop	Docket # 31958 Rulemaking Project for Establishing Telecom Service Quality Standards for Alternate Technologies used by a POLR; (Susan Goodson)
1:00 p.m. CHR, 7-100 7th Floor, Travis Bldg.	Workshop	Docket # 35769 POLR Workshop (Christine Wright)
Friday 1/16//09		
10:00 a.m. CHR, 7-100 7th Floor, Travis Bldg.	Prehearing Conference	Docket # 36412 Application of the Electric Reliability Council of Texas for Approval of a Revised Nodal Market Implementation Surcharge and Request for Interim Relief (Kathy Shockey)

■ Open Meeting Agenda: Jan. 14, 2009

TELECOMMUNICATIONS

- Docket No. 35804 Informational Notice of Southwestern Bell Telephone Company d/b/a
 AT&T Texas for Switched Access Service Tariff Rate Reduction. (Appeal of Order No.
 3) Davida Dwyer
- 2. Discussion and possible action regarding competitive telecommunications issues under the Federal Telecommunications Act of 1996 and the Public Utility Regulatory Act or proposed amendments to those acts.
- 3. Discussion and possible action regarding customer service issues, including but not limited to correspondence and complaint issues.
- 4. Infrastructure Reliability, Emergency Management, and Homeland Security matters. (Discussion and possible action) David Featherston

ELECTRIC

- 5. Project No. 26793 PUC Proceeding Related to Retail Market Oversight Activities. Jess Totten
- 6. Project No. 23100 PUC Market Oversight Activities. Jess Totten
- 7. Project No. 31600 Transition to an ERCOT Nodal Market Design. (Discussion and possible action) Jess Totten
- 8. Docket No. 32707; SOAH Docket No. 473-07-0218 Application of Rayburn Country Electric Cooperative, Inc. for a Certificate of Convenience and Necessity for a Proposed Transmission Line in Henderson and Van Zandt Counties, Texas. (Remand Proposal for Decision) Heidi Jackson
- 9. Docket No. 34650; SOAH Docket No. 473-08-3220 Application of Sam Houston Electric Cooperative, Inc. to Amend a Certificate of Convenience and Necessity for a Proposed 138-kV Transmission Line for the Enstor Leaching and Gas Facility in Liberty County, Texas. (Final Order) Mark Hovenkamp
- 10. Docket No. 33687 Application of Entergy Gulf States, Inc. for Transition to Competition Plan (TTC Plan) and Appended Documents. (Discussion and possible action) John Kramer
- 11. Docket No. 35665 Commission Staff's Petition for the Selection of Entities Responsible for Transmission Improvements Necessary to Deliver Renewable Energy from Competitive Renewable Energy Zones. (Discussion and possible action) Heidi Jackson

- 12. Docket No. 35950 Application of Golden Spread Electric Cooperative, Inc. for Approval of Transmission Cost of Service and Wholesale Transmission Rates. (Final Order) Irene Montelongo
- 13. Docket No. 36412 Application of Electric Reliability Council of Texas, Inc. (ERCOT) for Approval of a Revised Nodal Market Implementation Surcharge. (Discussion and possible action) Irene Montelongo
- 14. Docket No. 36442 Agreed Notice of Violation and Settlement Agreement Relating to Occidental Power Services, Inc.'s Violation of PURA § 39.151(j) and P.U.C. SUBST. R. 25.503, Relating to Failure to Adhere to ERCOT Protocol § 6.10.5.4 Concerning Load Acting as Resource Service Requirements. (Final Order) Irene Montelongo
- 15. Docket No. 36491 Agreed Notice of Violation and Settlement Agreement Relating to El Paso Electric Company's Violation of PURA § 38.005 and P.U.C. SUBST. R. 25.52, Concerning Reliability and Continuity of Service. (Final Order) Irene Montelongo
- 16. Project No. 35768 PUC Rulemaking Relating to Retail Electric Provider Disclosures to Customers. (Proposal for Adoption) Mick Long, Shawnee Claiborne-Pinto
- 17. Project No. 36536 PUC Rulemaking to Expedite Customer Switch Timelines. (Discussion and possible action) Mick Long
- 18. Project No. 20970 Plan for Implementing SB 7, SB 86, and SB 20; Plan for Implementing Other Legislation Relating to Electric Service. Jess Totten
- 19. Project No. 23578 Customer Education Campaign. (Discussion and possible action)
 Mike Renfro
- 20. Discussion and possible action on electric utility reliability, electric utility restructuring, ERCOT oversight, market-development activities in areas outside of ERCOT, and electric reliability standards and organizations arising under federal law.
- 21. Discussion and possible action regarding customer service issues, including but not limited to correspondence and complaint issues.
- 22. Infrastructure Reliability, Emergency Management, and Homeland Security matters. (Discussion and possible action) David Featherston

ADMINISTRATIVE

- 23. Discussion and possible action regarding operating budget, strategic plan, appropriations request, project assignments, correspondence, staff reports, agency administrative issues, fiscal matters and personnel policy.
- 24. Adjournment for closed session to consider:
 - a. litigation matters, pursuant to Tex. Gov't Code § 551.071(a)(1), regarding pending or contemplated litigation, including but not limited to:

AEP Texas Central Company and Cities of Corpus Christi, et al. v. PUC, No. 13-06-00311, in the 13th Court of Appeals. (Appeal of Docket No. 27035)

AEP Texas Central Company v. PUC, D-1-GN-07-001153, Travis County District Court; Steering Committee of Cities v. PUC, D-1-GN-07-001144, Travis County District Court. (Appeal of Docket No. 32758)

AEP Texas Central Company v. PUC, No. 08-0634, Texas Supreme Court. (Appeal of Docket No. 31056)

AEP Texas North Co. v. Public Utility Commission, No. GN5-02614, Travis County District Court. (Appeal of Docket No. 29703)

AEP Texas North Co. v. Public Utility Commission of Texas, No. 03-05-00644-CV, in the Third Court of Appeals. (Appeal of Docket No. 26000)

Cap Rock Energy Corp. and Pioneer Natural Resources USA, Inc. v. Public Util. Comm'n, No. 03-07-00730-CV, in the Third Court of Appeals. (Appeal of Docket No. 28813)

CenterPoint Energy Houston Electric & Texas Genco v. PUC, et al., Cause No. 08-0421, Texas Supreme Courts. (Appeal of Docket No. 29526)

Cities of Beaumont, Conroe, Groves, Nederland, Pine Forest, Port Neches, Rose City, and Silsbee v. PUC, Cause No. D-1-GV-08-000003, Travis County District Court. (Appeals of Docket No. 32710)

Cities of Corpus Christi, et al. v. Public Utility Commission, No. D-1-GV-06-000973, 201st Judicial District, Travis County District Court. (Appeal of Docket No. 31433)

Cities of Corpus, et al. v. PUC, D-1-GN-08001522, Travis County District Court. (Appeal of Docket No. 33309)

Cities of Dickinson et al. v. PUC, D-1-GN-07-000116, Travis County District Court (Appeal of Docket 31994)

Cities of Dickinson, Friendswood, La Marque, League City, Lewisville, and Texas City v. PUC, 03-08-00492-CV, Third Court of Appeals. (Appeal of Docket No. 33106)

Cities of Harlingen, McAllen, Mission, Port Lavaca, Rockport and Victoria v. PUC, Cause No. D-1-GV-08-000253, Travis County District Court. (Appeals of Docket No. 33734)

City of Bryan v. PUC, D-1-GV-08-002325, Travis County District Court (Appeal of 35011)

City of El Paso and El Paso Electric Company v. Public Util. Comm'n. 03-08-00577, in the Third Court of Appeals. (Appeals of Docket No. 26194)

City of University Park v. PUC, Cause No. 03-08-00692-CV, in the Third Court of Appeals. (Appeal of Docket No. 33742)

Coastal Habitat Alliance v. Jerry Patterson in his official capacity as Commissioner of the Texas General Land Office, and Chairman Barry Smitherman and Julie Caruthers Parsley and Paul Hudson, each in their official capacity as Commissioners of the PUC, and Texas Gulf Wind LLC wholly owned by Babcock & Brown Renewable Holdings, Inc., No. A-07-CA-985-YL, U.S. District Court for the Western District of Texas, Austin Division. (Docket No. 34298)

Coastal Habitat Alliance v. PUC, Barry Smitherman, Chairman, Paul Hudson, Commissioner, and Julie C. Parsley, Commissioner, No. 03-08-00205-CV, in the Third Court of Appeals. (Appeal of Docket No. 34298)

Constellation Energy v. PUC, D-1-GN-08-001522, Travis County District Court (Appeal of Docket 33500)

FERC Docket No. ER07-956-000, Entergy Services, Inc.

FERC Docket ER07-682-002, Entergy Services, Inc.

FERC Docket EL08-80, Oklahoma Corporation Commission.

Freedom Group v. PUC, D-1-GN-08-000124, Travis County District Court (Appeal of 33138)

In the Matter of ASAP Paging for Preemption of PUC Concerning Retail Rating of Local Calls to CMRS Carriers, FCC DA-04-92; WC 04-6 (Docket No. 25673)

In the Matter of Petition of Alenco Communications, Inc., Big Bend Telephone Company, Dell Telephone Cooperative, Inc., Riviera Telephone Company, Valley Telephone Cooperative, Inc., Texas Statewide Telephone Cooperative, Inc., and Texas Telephone Association for a Declaratory Ruling and for Preemption, CC Docket No. 96-45, Federal Communications Commission.

In the Matter of Review of Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers, CC Docket No. 01-338, Federal Communications Commission.

In the matter of Sprint Spectrum, L.P. Petition for Declaratory Ruling that the Kansas Corporation Commission's October 2, 2006 Order in Docket 06-GMIT-446-GIT, WC Docket Nos. 03-109, 07-138, Federal Communications Commission.

Lamb County Elec. Coop., Inc. v. Public Util. Comm'n, No. 03-04-00593-CV, Texas Court of Appeals, Third District. (Appeal of Docket No. 24229)

Logix Communications, LP v. PUC, 07-51697, U.S. Supreme Court (Appeal of 30103)

McCollough v. Public Util. Comm'n, No. 13-07-00624-CV, Court of Appeals for the Thirteenth District of Texas. (Appeal of Docket No. 29415)

Mobberley Road & 285 Partners, Ltd., BVJV Wataugua, L.P., and Duck Point Partners, Ltd. v. PUC, D-1-GN-08-000982, Travis County District Court (Appeal of 32871)

Nucor Steel v. PUC, Oncor Electric Delivery Co. and Texas Energy Future Holdings Limited Partnership, Travis County District Court, D-1-GN-08-002467. (Appeal of Docket No. 34077)

Office of Public Utility Counsel v. PUC, Cause No. D-1-GN-08-000796, Cause No. D-1-GN-08-000476 (Consolidated), Travis County District Court. (Appeals of Docket No. 32795)

Pioneer Natural Resources USA, Inc. v. Public Util. Comm'n, No. D-1-GN-06-003805, 200th Judicial District, Travis County District Court; Pioneer Natural Resources USA, Inc. v. Public Util. Comm'n, No. D-1-GN-06-003209, 126th Judicial District, Travis County District Court. (Appeal of Docket No. 31422)

Power Resource Group, Inc. v. Public Utility Commission, No. GN5-02139, Travis County District Court. (Appeal of Docket No. 30172)

Texas Industrial Energy Consumers and Gulf Coast Coalition of Cities v. CenterPoint Energy Houston Electric, LLC, and Pub. Util. Comm'n, Texas Supreme Court, No. 08-0727. (Appeal of Docket No. 30706)

Public Util. Comm'n v. Southwestern Public Service Company, 03-08-00070-CV, Court of Appeals for the Third District (Appeal of Docket 32685)

Public Utilities Board of the City of Brownsville v. PUC, Travis County District Court, D-1-GV-08-001459. (Appeal of Docket No. 34410)

Southwestern Bell Telephone, L.P. v. Current Communications of Texas, L.P., No. 06-11388 in the 162nd District Court of Dallas County, Texas.

Southwestern Elec. Power Co. v. PUC, D-1-GN-08-003771, Travis County District Court (Appeal of 33891)

Texas Cable & Telecommunications Association v. Perry, et al., No. A-05-CV-721-LY, Western District of Texas No. A-05-CV-721; U.S. Supreme Court, No. 06-51514.

Texas Cable & Telecommunications Association v. Public Util. Comm'n, No. D-1-GN6-001900, Travis County District Court. (SB 5)

Texas Commercial Energy, L.L.C., Case No. 03-20366-C-11, U.S. Bankruptcy Court, Southern District of Texas.

Texas Municipal Power Agency v. Public Util. Comm'n, Cause No. D-1-GN-06-002544, Travis County District Court. (Appeal of Docket No. 32084).

Texas Municipal Power Agency v. Public Util. Comm'n, Cause No. D-1-GN-07-001422, Travis County District Court; Texas Municipal Power Agency v. Public Util. Comm'n, Cause No. D-1-GN-07-001948, Travis County District Court. (Appeal of Docket No. 33550).

Texas Municipal Power Agency v. Public Util. Comm'n & City of Bryan, Cause No. GN02-00685, Travis County District Court. (Appeal of Docket No. 24418)

Texas Municipal Power Agency v. Public Util. Comm'n & City of Bryan, Cause No. GN3-00714, Travis County District Court; Texas Municipal Power Agency v. Public Util. Comm'n & City of Bryan, Cause No. GN3-01234, Travis County District Court. (Appeal of Docket 25002)

Texas Municipal Power Agency v. Public Util. Comm'n, Cause No. GN4-02490, Travis County District Court; Texas Municipal Power Agency v. Public Util. Comm'n, Cause No. GN4-02811, Travis County District Court. (Appeal of Docket No. 28937)

Texas Municipal Power Agency v. Public Util. Comm'n, GN5-02012, Travis County District Court (Appeal of Docket No. 30474)

Texas Municipal Power Agency v. Public Utility Commission, No. D-1-GN-06-002166, 353rd Judicial District, Travis, Texas; City of Garland, Texas v. Public Utility Commission, No. D-1-GV-06-001243, 261th Judicial District, Travis County, Texas; Public Utilities Board of the City of Brownsville v. Public Utility Commission, No. D-1-GN-06-002131, 98th Judicial District, Travis County District Court (Appeals of Docket No. 31540)

Texas-New Mexico Power, et. al. v. Public Util. Comm'n, No. 08-0187, Supreme Court of Texas. (Appeal of Docket No. 29206)

Texas-New Mexico Power Company v. PUC, et al., No. D-1-GN-07-003992, Travis County District Court. (Appeal of Docket 33106)

Utex Communications Corp. v. Public Utility Commission, et al., No. A-06-CA-567-LY, United States District Court for the Western District of Texas, Austin Division. (Docket Nos. 26381, 30459, and 32041)

Wanda Kerns v. AT&T and PUC, No. S00460, Justice Court, Precinct Four, Nacogdoches, County

- b. Consultation with its attorneys, pursuant to Tex. Gov't Code § 551.071(a)(2).
- c. Personnel matters, pursuant to Tex. Gov't Code § 551.074; discussion and decision regarding personnel matters including but not limited to the Executive Director, the Deputy Executive Director, and the Division Directors.
- d. Security matters pursuant to Tex. Gov't Code § 551.076; including matters under Project No. 24729 and other matters related to deployment, use or implementation of security personnel or devices.

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.

■ New Filings: 36549- 36573

Control No	Item Type	Party	Description	Date Filed
<u>36549</u>	Т	GANADO TELEPHONE COMPANY, INC.	APPLICATION OF GANADO TELEPHONE COMPANY, INC. FOR APPROVAL OF A MINOR RATE CHANGE PURSUANT TO P.U.C.SUBST. R. §26.171	12/31/2008
<u>36550</u>	PLDS	AMBIT ENERGY, L.P.	APPLICATION OF AMBIT ENERGY FOR AN AMENDMENT TO ITS RETAIL ELECTRIC PROVIDERS (REP); A NAME CHANGE	12/31/2008
<u>36551</u>	PLDS	AMBIT TEXAS, LLC	APPLICATION OF AMBIT, TEXAS, LLC FOR RETAIL ELECTRIC PROVIDER (REP) CERTIFICATE, PURSUANT TO SUBST. R. §25.107	12/31/2008
36552	PLDS	MID-PLAINS RURAL TELEPHONE COOPERATIVE, INC.	APPLICATION OF MID-PLAINS RURAL TELEPHONE COOPERATIVE, INC. FOR A SPECIAL AMORTIZATION FOR DIGITAL SWITCHING AND DIGITAL SUBSCRIBER CARRIER CIRCUIT EQUIPMENT. PURSUANT TO SUBST. R. 26.206(g)	1/5/2009
36553	Т	AT&T TEXAS	INFORMATIONAL NOTICE OF AT&T TEXAS FOR RESIDENCE RATE CHANGES	1/5/2009

36554	PRJ	CEBRIDGE ACQUISITION, L.P.	APPLICATION FOR CEBRIDGE ACQUISITION, L.P. dba SUDDENLINK COMMUNICATIONS FOR AN AMENDMENT TO ITS STATE-ISSUED CERTIFICATE OF FRANCHISE AUTHORITY (SICFA)	1/5/2009
36555	PLDS	EXELON COMPANIES	APPLICATION OF EXELON CORPORATION, EXELON XCHANGE, AND EXELON GENERATION COMPANY, LLC PURSUANT TO SECTION §39.158 OF THE PUBLIC UTILITY REGULATORY ACT	1/5/2009
<u>36556</u>	PRJ	PUC INFRASTRUCTURE & RELIABILITY	CONTROL NUMBER REQUEST FORM RE: AUTOMATIC DIAL ANNOUNCING DEVICE NEW APPLICATION 2009	1/6/2009
<u>36557</u>	PRJ	PUC INFRASTRUCTURE & RELIABILITY	CONTROL NUMBER REQUEST FORM RE: AUTOMATIC DIAL ANNOUNCING DEVICE RENEWAL AND UPDATES 2009	1/6/2009
36558	Т	SANTA ROSA TELEPHONE COOPERATIVE, INC.	INFORMATIONAL NOTICE OF SANTA ROSA TELEPHONE COOPERATIVE, INC. FOR CUSTOMER PROMOTIONAL OFFERING; TO WAIVE THE PRIMARY SERVICE ORDER AND LINE CONNECTION CHARGES FOR THE INSTALLATION OF RESIDENTIAL OR BUSINESS ACCESS LINE	1/6/2009
36559	Т	GANADO TELEPHONE COMPANY, INC.	VOID, DUPLICATE OF T NO. 36549 APPLICATION OF GANADO TELEPHONE COMPANY, INC. FOR APPROVAL OF A MINOR RATE CHANGE PURSUANT TO PUC SUBST. R. §26.171	1/6/2009
36560	PRJ	AIRTRICITY PANTHER CREED WIND FARM, LLC	NOTIFICATION OF AIRTRICITY PANTHER CREEK WIND FARM, LLC REQUESTING FOR A FORMAL NAME CHANGE TO ITS POWER GENERATION COMPANY PURSUANT TO SUBST. R. §25.109 AND RENEWABLE ENERGY CREDIT GENERATOR PURSUANT TO SUBST. R. §25.17	1/6/2009
<u>36561</u>	PRJ	POWER LIGHT ENERGY	APPLICATION OF POWER LIGHT ENERGY FOR AN AGGREGATOR REGISTRATION, PURSUANT TO SUBST. R. §25.111	1/6/2009
36562	Т	AT&T TEXAS	INFORMATIONAL NOTICE OF AT&T TEXAS FOR CUSTOM BIZSAVER II RATE INCREASE	1/6/2009
<u>36563</u>	PLDS	XIT TELECOMMUNICATIO N & TECHNOLOGY, LTD.	APPLICATION OF XIT TELECOMMUNICATIONS & TECHNOLOGY, LTD. FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER (ETC) AND ELIGIBLE TELECOMMUNICATIONS PROVIDER (ETP)	1/6/2009

36564	PLDS	VERIZON SOUTHWEST	PETITION OF VERIZON SOUTHWEST FOR EXTENSION OF EXPIRATION DATE FOR NPA/NXX CODE; FRISCO, EULESS AND NORTH RICHLAND HILLS	1/6/2009
<u>36565</u>	Т	VERIZON SOUTHWEST	INFORMATIONAL NOTICE OF VERIZON SOUTHWEST FOR REGIONAL ESSENTIALS BUNDLE DISCOUNTS; CHANGE IN TERMS	1/6/2009
<u>36566</u>	PLDS	ERCOT	PETITION OF THE ELECTRIC RELIABILITY COUNCIL OF TEXAS FOR APPROVAL OF RE- ELECTION OF UNAFFILIATED DIRECTORS	1/7/2009
36567	PLDS	CENTRAL TELEPHONE COMPANY OF TEXAS DBA EMBARQ	APPLICATION OF CENTRAL TELEPHONE COMPANY OF TEXAS dba EMBARQ FOR AN AMENDMENT TO A CERTIFICATE OF CONVENIENCE AND NECESSITY; TO AMEND THE SERVICE AREA BOUNDARY BETWEEN THE AUSTIN EXCHANGE OF AT&T AND MILANO ECHANGES OF C	1/7/2009
36568	PLDS	AT&T TEXAS	JOINT APPLICATION OF SOUTHWESTERN BELL TELPHONE COMPANY dba AT&T TEXAS AND CORDIA COMMUNICATIONS CORP FOR APPROVAL OF INTERCONNECTION AGREEMENT UNDER PURA AND THE TELECOMMUNICATIONS ACT OF 1996	1/7/2009
36569	Т	AT&T TEXAS	INFORMATIONAL NOTICE OF AT&T TEXAS FOR CORRECTION TO TARIFF	1/7/2009
36570	Т	INDUSTRY TELEPHONE COMPANY	APPLICATION OF INDUSTRY TELEPHONE COMPANY FOR ADMINISTRATIVE LOCAL EXCHANGE TARIFF REVISIONS; SECTION 1, 4TH REVISED PAGE 11	1/7/2009
36571	PLDS	VERIZON SOUTHWEST	VERIZON SOUTHWEST NOTICE OF INTENT TO FILE LONG RUN INCREMENTAL COST STUDY (LRIC) FOR THE OPTIONAL, PURSUANT TO PUC SUBST. R. §26.215	1/7/2009
36572	Т	WINDSTREAM COMMUNICATIONS KERRVILLE, L.P.	APPLICATION OF WINDSTREAM COMMUNICATIONS KERRVILLE, LP TO MODIFY GENERAL REGULATIONS AND ACCESS ORDERING LANGUAGE IN SECTION 2 & 5	1/8/2009
36573	Т	WINDSTREAM COMMUNICATIONS SOUTHWEST	APPLICATION OF WINDSTREAM COMMUNICATIONS SOUTHWEST TEXAS TO MODIFY GENERAL REGULATIONS AND ACCESS ORDERING LANGUAGE IN SECTION 2	1/8/2009