

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

Inside

Weekly Agenda: Feb 9-13, 2009	2
Open Meeting Agenda: February 10, 2009	2
Disposition Memo: January 29, 2009 Open Meeting	7
New Filings: 36649 - 366	8

The **PUCUpdate** is published weekly by the Customer Protection Division of the Public Utility Commission of Texas. For subscription information, call 512-936-7140 or fax 512-936-7003.
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Public Utility Commission of Texas, P.O. Box 13326, Austin, TX 78711-3326

8. Project No. 31600 - Transition to an ERCOT Nodal Market Design. (Discussion and possible action) Jess Totten
9. 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
10. Docket No. 35269; SOAH Docket No. 473-08-1920 - Compliance Filing of Entergy Texas, Inc. Regarding Jurisdictional Allocation of 2007 System Agreement Payments. (Motion for Rehearing) John Kramer
11. 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
12. 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
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. 35950 - Application of Golden Spread Electric Cooperative, Inc. for Approval of Transmission Cost of Service and Wholesale Transmission Rates. (Motion for Rehearing) Irene Montelongo
15. Docket No. 36392 - Application of Texas Municipal Power Agency for Interim Update of Wholesale Transmission Rates Pursuant to P.U.C. SUBST. R. 25.192 (g)(1). (Final Order) Irene Montelongo
16. Docket No. 36359 - Joint Application of Concho Valley Electric Cooperative, Inc. and Golden Spread Electric Cooperative, Inc. to Transfer Certificate Rights. (Final Order) Irene Montelongo
17. Project No. 35767 - PUC Rulemaking Relating to the Certification of Retail Electric Providers. (Discussion and possible action) Shawnee Claiborn-Pinto and Patrick Peters
18. Project No. 35769 - PUC Rulemaking Relating to Providers of Last Resort. (Discussion) Christine Wright and Scottie Aplin
19. Project No. 20970 - Plan for Implementing SB 7, SB 86, and SB 20; Plan for Implementing Other Legislation Relating to Electric Service. Jess Totten
20. Project No. 23578 - Customer Education Campaign. (Discussion and possible action) Mike Renfro

21. 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.
22. Discussion and possible action regarding customer service issues, including but not limited to correspondence and complaint issues.
23. Infrastructure Reliability, Emergency Management, and Homeland Security matters. (Discussion and possible action) David Featherston

ADMINISTRATIVE

24. Discussion and possible action regarding operating budget, strategic plan, appropriations request, project assignments, correspondence, staff reports, agency administrative issues, fiscal matters and personnel policy.
25. 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)

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.

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. 08-1065, Texas Supreme Court, (Appeal of Docket No. 24229)

McCullough 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. 03-08-00698-CV, Third Court of Appeals. (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)

Public Utility Comm'n, et al. v. Cities of Harlingen, et al., No. 03-08-00793-CV, Third Court of Appeals (Appeal of Docket No. 33734).

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 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)

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)

Texas-New Mexico Power Company v. PUC, Cause No. D-1-GN-09-000071, Travis County District Court. (Appeal of Docket No. 35038).

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)

- 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.

Disposition Memo: January 29, 2009 Open Meeting

Item No.	Docket/Project No.	Kind of Action	Decision
1.	36097	Preliminary Order	Approved on consent.
2.	34921	Final Order	Approved order as submitted.
3.		Telecom Issues	Not taken up.
4.		Customer Service	Not taken up.
5.		Emergency Management	Not taken up.

6.	26793	Discussion	Not taken up.
7.	23100	Discussion	Not taken up.
8.	31600	Discussion and possible action	Not taken up.
9.	36025	Appeal of Order No. 8	Denied the appeal. Commissioner Anderson dissenting.
10.	36332	Preliminary Order	Approved on consent.
11.	32707	Remand Proposal for Decision	Discussion - no action. Will take up at the next open meeting.
12.	36127	Final Order	Approved on consent.
13.	33687	Discussion and possible action	Not taken up.
14.	35665	Discussion and possible action	Delegated authority to issue an order requesting people to identify the facilities that we need to know about who the owner is and to make a filing. Approved of setting up new dockets. Requested a range of ideas on how to manage this project. Will take up at the next open meeting.
15.	36412	Discussion and possible action	Not taken up.
16.	36546	Final Order	Approved on consent.
17.	36326	Final Order	Approved on consent.
18.	21072	Discussion and possible action	Approved on consent.
19.	36044	Discussion and possible action	Approved the proposed order.
20.	35767	Discussion and possible action	Discussion - no action. Will take up at the February 26 open meeting.
21.	35768	Proposal for Adoption	Approved rule as amended.
22.	36536	Proposal for Publication	Approved for publication as amended.
23.	36358	Discussion and possible action	Discussion - no action.
24.	20970	Discussion	Not taken up.
25.	23578	Discussion and possible action	Not taken up.
26.		Electric Reliability	Not taken up.
27.		Customer Service	Not taken up.
28.		Emergency Management	Not taken up.
29.		Budget Matters	Discussion - no action.
30.		Closed Session	Discussion - no action.

■ New Filings: 36649- 36668

Control No	Item Type	Party	Description	Date Filed
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<u>36649</u>	PLDS	ONCOR ELECTRIC DELIVERY COMPANY LLC	JOINT PETITION FOR DECLARATORY ORDER OF ONCOR ELECTRIC DELIVERY COMPANY LLC AND UNITED ELECTRIC COOPERATIVE SERVICES REGARDING SERVICE TO BURLESON INDEPENDENT SCHOOL DISTRICT HIGH SCHOOL NO. 2	1/29/2009
<u>36650</u>	PLDS	VERIZON SOUTHWEST	INFORMATIONAL NOTICE OF VERIZON SOUTHWEST FOR UNLIMITED INTRALATA TOLL USAGE FOR BUSINESS - MONTH TO MONTH RATE INCREASE	1/29/2009
<u>36651</u>	PLDS	VERIZON SOUTHWEST	INFORMATIONAL NOTICE OF VERIZON SOUTHWEST FOR WINBACK OFFER, BUSINESS	1/29/2009
<u>36652</u>	PLDS	EMBARQ	JOINT APPLICATION OF UNITED TELEPHONE COMPANY OF TEXAS AND CENTRAL TELEPHONE COMPANY, INC. dba EMBARQ FOR APPROVAL OF INTERCONNECTION AGREEMENT WITH DSLNET COMMUNICATIONS, LLC UNDER PURA AND THE TELECOMMUNICATIONS ACT O	1/29/2009
36653	PLDS	CENTRAL RECORDS	VOIDED & MOVED TO PROJECT NO. 18675 SEE ITEM NO. 140 -- TEXAS UTILITY SOLUTIONS LLC TO INITIATE ARBITRATION PURSUANT TO SUBST.R.25.203 (d) (2) WITH CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC (FILED 01/29/09)	1/30/2009
36654	PLDS	CENTRAL RECORDS	VOIDED & MOVED TO PROJECT NO. 18675 SEE ITEM NO. 141 -- TEXAS UTILITY SOLUTIONS LLC TO INITIATE ARBITRATION PURSUANT TO SUBST.R.25.203(d)(2) WITH TXU ELECTRIC DELIVERY COMPANY (FILED 01/29/09)	1/30/2009
<u>36655</u>	PLDS	UNITED TELEPHONE COMPANY OF TEXAS, INC. DBA EMBARQ	UNITED TELEPHONE COMPANY OF TEXAS, INC. DBA EMBARQ ADMINISTRATIVE FILING PURSUANT TO TEXAS RULES §26.207 AND §26.208 FOR EXPANSION OF CALL FORWARD BUSY AVAILABILITY FOR RESIDENCE CUSTOMERS	1/30/2009

<u>36656</u>	PLDS	CENTRAL TELEPHONE COMPANY OF TEXAS DBA EMBARQ	CENTRAL TELEPHONE COMPANY OF TEXAS DBA EMBARQ FOR ADMINISTRATIVE FILING PURSUANT TO TEXAS RULES §26.207 AND §26.208 EXPANSION OF CALL FORWARD BUSY AVAILABILITY FOR RESIDENCE CUSTOMERS	1/30/2009
<u>36657</u>	PLDS	AT&T TEXAS	INFORMATIONAL NOTICE OF AT&T TEXAS FOR RESIDENTIAL MOVERS SERVICE CONNECTION CHARGE WAIVER EXTENSION AND NAME CHANGE	1/30/2009
<u>36658</u>	PLDS	AT&T COMMUNICATIONS OF THE SOUTHWEST	INFORMATIONAL NOTICE OF AT&T TEXAS FOR CHANGES TO RESIDENCE ACCESS LINE RETENTION PROMOTION	1/30/2009
<u>36659</u>	PLDS	AT&T TEXAS	INFORMATIONAL NOTICE OF AT&T TEXAS FOR RESIDENTIAL MOVERS PROMOTION 2009	1/30/2009
<u>36660</u>	PLDS	CENTRAL TEXAS ELECTRIC COOPERATIVE, INC.	APPLICATION OF CENTRAL TEXAS ELECTRIC COOPERATIVE, INC. TO AMEND A CERTIFICATE OF CONVENIENCE AND NECESSITY FOR A SERVICE AREA EXCEPTION IN BLANCO COUNTY	2/2/2009
<u>36661</u>	PRJ	REGION ONE EDUCATION SERVICE CENTER	APPLICATION OF REGION ONE EDUCATION SERVICE CENTER FOR AGGREGATOR REGISTRATION, PURSUANT TO SUBST. R. §25.111	2/2/2009
<u>36662</u>	PLDS	VTX COMMUNICATIONS, LP	APPLICATION OF VTX COMMUNICATIONS, LP FOR AN AMENDMENT TO ITS SERVICE PROVIDER CERTIFICATE OF OPERATING AUTHORITY	2/2/2009
<u>36663</u>	PLDS	VTX TELECOM, LP	APPLICATION OF VTX TELECOM, LP FOR AN AMENDMENT TO ITS SERVICE PROVIDER CERTIFICATE OF OPERATING AUTHORITY	2/2/2009
<u>36664</u>	PLDS	VOIP TELECOM CONNECTIONS, LLC	APPLICATION OF VOIP TELECOM CONNECTIONS, LLC FOR AN AMENDMENT TO ITS SERVICE PROVIDER CERTIFICATE OF OPERATING AUTHORITY	2/2/2009
<u>36665</u>	PLDS	WINDSTREAM COMMUNICATIONS KERRVILLE, LP	APPLICATION OF VALOR TELECOMMUNICATIONS OF TEXAS, LP dba WINDSTREAM COMMUNICATIONS SOUTHWEST AND SPRINT SPECTRUM, L.P. FOR APPROVAL OF AN AMENDMENT TO THE INTERCONNECTION AGREEMENT UNDER PURA AND THE TELECOMMUNICATIONS ACT OF 1996	2/2/2009

<u>36666</u>	PLDS	WINDSTREAM COMMUNICATIONS KERRVILLE, L.P.	APPLICATION OF WINDSTREAM COMMUNICATIONS KERRVILLE, LP fda KERRVILLE TELEPHONE, LP AND SPRINT SPECTRUM, L.P. FOR APPROVAL OF AN AMENDMENT TO THE INTERCONNECTION AGREEMENT UNDER PURA AND THE TELECOMMUNICATIONS ACT OF 1996	2/2/2009
<u>36667</u>	PLDS	MEDINA ELECTRIC COOPERATIVE, INC.	JOINT APPLICATION OF MEDINA ELECTRIC COOPERATIVE, INC. AND AEP TEXAS CENTRAL COMPANY TO AMEND A CERTIFICATE OF CONVENIENCE AND NECESSITY FOR A SERVICE AREA IN WEBB COUNTY	2/3/2009
<u>36668</u>	PLDS	CHEROKEE COUNTY ELECTRIC COOPERATIVE ASSOCIATION	APPLICATION OF CHEROKEE COUNTY ELECTRIC COOPERATIVE ASSOCIATION FOR INTERIM UPDATE OF WHOLESALE TRANSMISSION RATES	2/4/2009