

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

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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

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. 35994 - Application of Electric Transmission Texas, LLC for Regulatory Approvals Related to Installation of a Sodium Sulfur Battery at Presidio, Texas. (Discussion and possible action) Mark Hovenkamp
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. 36607 - Agreed Notice of Violation and Settlement Agreement Relating to Eagle Energy Partners, LP'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. 36446 - Application of Cap Rock Energy Corporation for Approval of Purchased Power Contract. (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. 35769 - PUC Rulemaking Relating to Providers of Last Resort. (Discussion) Christine Wright and Scottie Aplin
18. Project No. 35767 - PUC Rulemaking Relating to the Certification of Retail Electric Providers. (Discussion and possible action) Shawnee Claiborn-Pinto and Patrick Peters
19. Project No. 34577 - Proceeding to Establish Policy Relating Excess Development in a Competitive Renewable Energy Zones. (Discussion and possible action)
20. Project No. 20970 - Plan for Implementing SB 7, SB 86, and SB 20; Plan for Implementing Other Legislation Relating to Electric Service. Jess Totten
21. Project No. 23578 - Customer Education Campaign. (Discussion and possible action) Mike Renfro
22. 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.
23. Discussion and possible action regarding customer service issues, including but not limited to correspondence and complaint issues.
24. Infrastructure Reliability, Emergency Management, and Homeland Security matters. (Discussion and possible action) David Featherston

ADMINISTRATIVE

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

26. 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.

FERC Docket No. EC09-032, Exelon Corporation.

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 Docket No. 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, 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.

■ New Filings: 36695-36722

Control No	Item Type	Party	Description	Date Filed
<u>36695</u>	PLDS	STELERA WIRELESS, LLC	NOTIFICATION OF STELERA WIRELESS, LLC REQUESTING 90 DAYS EXTENSION FOR CODE ACTIVATION FOR THE NPA-NXX CODE OF 830-417	2/12/2009
<u>36696</u>	PLDS	GUADALUPE VALLEY TELEPHONE COOPERATIVE, INC.	JOINT APPLICATION GUADALUPE VALLEY TELEPHONE COOPERATIVE, INC. AND T-MOBILE WEST CORPORATION FOR AN ADOPTION LETTER UNDER THE FEDERAL TELECOMMUNICATIONS ACT OF 1996	2/12/2009

<u>36697</u>	T	AEP TEXAS CENTRAL COMPANY	INTERIM TRUE-UP COMPLIANCE FILING FOR AEP TEXAS CENTRAL COMPANY CONCERNING RIDER TC - TRANSITION CHARGE RATES	2/12/2009
<u>36698</u>	T	AEP TEXAS CENTRAL COMPANY	INTERIM TRUE-UP COMPLIANCE FILING FOR AEP TEXAS CENTRAL COMPANY CONCERNING RIDER TC-2 - TRANSITION CHARGE-2 RATES	2/12/2009
<u>36699</u>	PRJ	PUC COMPETITIVE MARKETS DIVISION	CONTROL NUMBER REQUEST FORM RE: FILINGS MADE IN COMPLIANCE WITH ORDER DATED DECEMBER 22, 2008 IN DOCKET NO. 35639, CONCERNING DEPLOYMENT OF AN ADVANCED METERING SYSTEM BY CENTERPOINT HOUSTON ENERGY ELECTRIC, LLC	2/13/2009
<u>36700</u>	PLDS	GUADALUPE VALLEY TELEPHONE COOPERATIVE, INC.	APPLICATION OF GUADALUPE VALLEY TELEPHONE COOPERATIVE, INC. FOR A CERTIFICATE OF CONVENIENCE AND NECESSITY AMENDMENT TO A SERVICE AREA BOUNDARIES BETWEEN THE SABINA EXCHANGE AND BOERNE EXCHANGE	2/13/2009
<u>36701</u>	PLDS	TEXAS UTILITY SOLUTIONS LLC	PETITION OF TEXAS UTILITY SOLUTIONS LLC FOR DECLARATORY ORDER OF ELEGIBILITY AS A TRANSMISSION SERVICE CUSTOMER	2/13/2009
<u>36702</u>	PLDS	AT&T TEXAS	APPLICATION OF AT&T TEXAS REQUEST FOR WAIVER OF DENIAL OF NUMBERING RESOURCES FOR SATSUMA RATE CENTER	2/13/2009
36703	PLDS	CENTRAL RECORDS	VOIDED AND MOVED TO DOCKET NO. 36625, SEE ITEM NO. 6 -- APPLICATION OF RELIANT ENERGY SOLUTIONS REQUESTING TO RELINQUISH CERTIFICATE NO. 10006	2/13/2009
36704	PLDS	CENTRAL RECORDS	VOIDED AND MOVED TO DOCKET NO. 36626, SEE ITEM NO. 6 -- APPLICATION OF STAREN POWER REQUESTING TO RELINQUISH CERTIFICATE NO. 10012	2/13/2009
<u>36705</u>	PLDS	RELIANT ENERGY RETAIL SERVICES, LLC'S	APPLICATION OF RELIANT ENERGY RETAIL SERVICES FOR AN AMENDMENT TO ITS RETAIL ELECTRIC PROVIDERS (REP) CERTIFICATION, PURSUANT TO SUBST. R. §25.107	2/13/2009
<u>36707</u>	PRJ	BLAKK POWER COMPANY	APPLICATION OF BLAKK POWER COMPANY FOR AN AGGREGATOR REGISTRATION, PURSUANT TO SUBST. R. §25.111	2/17/2009

<u>36708</u>	T	UNITED TELEPHONE COMPANY OF TEXAS, INC. DBA EMBARQ	INFORMATIONAL NOTICE OF UNITED TELEPHONE COMPANY OF TEXAS, INC. dba EMBARQ FOR NON-BASIC SERVICE, REVISION TO INDIVIDUAL VOICE CHANNELS FOR CUSTOM ACCESS SOLUTIONS	2/17/2009
<u>36709</u>	T	CENTRAL TELEPHONE COMPANY OF TEXAS DBA EMBARQ	INFORMATIONAL NOTICE OF CENTRAL TELEPHONE COMPANY OF TEXAS, INC. dba EMBARQ FOR NON-BASIC SERVICE, REVISION TO INDIVIDUAL VOICE CHANNELS FOR CUSTOM ACCESS SOLUTIONS	2/17/2009
<u>36710</u>	PLDS	ENTERGY TEXAS, INC.	APPLICATION OF ENTERGY GULF STATES, INC. TO REVISE REVISED FIXED FUEL FACTOR (SCHEDULE FF) IN COMPLIANCE WITH FINAL ORDER IN DOCKET NO. 32915	2/17/2009
<u>36711</u>	PRJ	FPLE FORNEY, L.P.	APPLICATION OF FPLE FORNEY, L.P. TO AMEND ITS POWER GENERATION COPANIES REGISTRATION, PURSUANT TO SUBST. R. §25.109	2/17/2009
<u>36712</u>	PLDS	SOUTHWESTERN PUBLIC SERVICE COMPANY (SPS)	APPLICATION OF SOUTHWESTERN PUBLIC SERVICE COMPANY FOR: AUTHORITY TO IMPLEMENT INTERIM FUEL FACTORS; REVISE ITS FUEL FACTOR FORMULAS; CHANGE ITS FUEL FACTORS; AND FOR RELATED RELIEF	2/18/2009
<u>36713</u>	PLDS	PUC-CADM	CONTROL NUMBER REQUEST FORM RE: APPLICATION OF ENTERGY TEXAS, INC. FOR APPROVAL OF COMPETITIVE GENERATION SERVICES TARIFF	2/18/2009
<u>36714</u>	PLDS	AT&T TEXAS	APPLICATION OF AT&T TEXAS REQUEST FOR WAIVER OF DENIAL OF NUMBERING RESOURCES FOR WAXAHACHIE RATE CENTER	2/18/2009
<u>36715</u>	PRJ	MARCUS CABLE ASSOCIATES, L.L.C.	APPLICATION OF MARCUS CABLE ASSOCIATES, L.L.C. dba CHARTER COMMUNICATIONS FOR AMENDMENT TO ITS STATE-ISSUED CERTIFICATE OF FRANCHISE AUTHORITY (SICFA)	2/19/2009
<u>36716</u>	PRJ	DENTON POWER, LLC	APPLICATION OF DENTON POWER, LLC FOR SELF-GENERATORS REGISTRATION, PURSUANT TO SUBST. R. §25.109	2/19/2009
<u>36717</u>	PRJ	DENTON POWER, LLC	APPLICATION OF DENTON POWER, LLC FOR RENEWABLE ENERGY CREDIT GENERATORS REGISTRATION, PURSUANT TO SUBST. R. §25.109	2/19/2009

<u>36718</u>	T	VERIZON SOUTHWEST	VERIZON SOUTHWEST dba GTE SOUTHWEST, INC. FOR ADMINISTRATIVE FILING TO CORRECT CERTAIN TYPOGRAPHICAL ERRORS AND PROVIDER CLARIFYING TEXT REVISIONS TO THE TARIFF FILED IN DOCKET NO. 36421	2/19/2009
<u>36719</u>	PLDS	ANDY FULLER	COMPLAINT OF ANDY FULLER AGAINST CENTERPOINT ENERGY AND STAR TEX POWER	2/19/2009
<u>36720</u>	PRJ	POCO ENERGY GROUP, INC.	APPLICATION OF POCO ENERGY GROUP, INC. FOR AGGREGATOR REGISTRATION, PURSUANT TO SUBST. R. §25.111	2/19/2009
<u>36721</u>	PLDS	TELCENTRIS COMMUNICATIONS, LLC	APPLICATION OF TELCENTRIS COMMUNICATIONS, LLC FOR SERVICE PROVIDER CERTIFICATE OF OPERATING AUTHORITY	2/19/2009
<u>36722</u>	PLDS	TIM RON ENTERPRISES LLC	NOTIFICATION OF TIM RON ENTERPRISES, LLC REQUESTING A 90- DAYS EXTENSION FOR CODE ACTIVATION FOR CODE OF 903-503 & 903-472	2/19/2009