

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

8. Docket No. 35763; SOAH Docket No. 473-08-3436 - Application of Southwestern Public Service Company for Authority to Change Rates, to Reconcile Fuel and Purchased Power Costs for 2006 and 2007, and to Provide a Credit for Fuel Cost Savings. (Order on Certified Issue) Larry Barnes
9. Docket No. 36686; SOAH Docket No. 473-09-2985 - Application of LCRA Transmission Services Company to Amend a Certificate of Convenience and Necessity for the North McCamey to McCamey B 138-kV CREZ Transmission Line within Upton, Crocket and Pecos Counties. (Preliminary Order) Laura Kennedy
10. Docket No. 36649 - 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. (Declaratory Order) Davida Dwyer
11. Docket No. 35994 - Application of Electric Transmission Texas, LLC for Regulatory Approvals Related to Installation of a Sodium Sulfur Battery at Presidio, Texas. (Final Order) Mark Hovenkamp
12. 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
13. Docket No. 36416 - AEP Energy Partners' Appeal of the Decision of the ERCOT Board Assigning Oklaunion Generating Station to the West Zone and Request for Expedited Consideration and Emergency Remand with Instructions. (Discussion and possible action) Mark Hovenkamp
14. 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) John Kramer
15. Docket No. 36374 - Commission Staff's Application to Set 2009 Wholesale Transmission Service Charges for the Electric Reliability Council of Texas. (Final Order) Irene Montelongo
16. Docket No. 36333 - Report of AEP Texas North Company of the Acquisition of the Distribution Facilities of Goodfellow Air Force Base. (Final Order) Irene Montelongo
17. Docket No. 36439 - Application of City of Garland to Change Rates for Wholesale Transmission Service. (Final Order) Irene Montelongo
18. Docket No. 36566 - Petition of the Electric Reliability Council of Texas for Approval of Unaffiliated Directors. (Final Order) Irene Montelongo
19. Project No. 35767 - PUC Rulemaking Relating to the Certification of Retail Electric Providers. (Discussion and possible action) Shawnee Claiborn-Pinto and Patrick Peters

20. Project No. 35769 - PUC Rulemaking Relating to Providers of Last Resort. (Discussion) Christine Wright and Scottie Aplin
21. Project No. 34577 - Proceeding to Establish Policy Relating to Excess Development in Competitive Renewable Energy Zones. (Discussion and possible action) Jess Totten
22. Project No. 20970 - Plan for Implementing SB 7, SB 86, and SB 20; Plan for Implementing Other Legislation Relating to Electric Service. Jess Totten
23. Project No. 23578 - Customer Education Campaign. (Discussion and possible action) Mike Renfro
24. 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.
25. Discussion and possible action regarding customer service issues, including but not limited to correspondence and complaint issues.
26. Infrastructure Reliability, Emergency Management, and Homeland Security matters. (Discussion and possible action) David Featherston

ADMINISTRATIVE

27. Discussion and possible action regarding operating budget, strategic plan, appropriations request, project assignments, correspondence, staff reports, agency administrative issues, fiscal matters and personnel policy.
28. 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)

Entergy Texas, Inc. v. Barry T. Smitherman, Donna L. Nelson, and Kenneth W. Anderson, Case No. A-09-CA-0183-LY, United States District Court for the Western District of Texas

Entergy Texas, Inc. v. PUCT, Cause No. D-1-GN-09-000816, Travis County District Court, 126th District

FERC Docket No. ER07-683, Entergy Services, Inc.

FERC Docket No. ER09-833-000, Entergy Services, Inc.

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.

■ Disposition Memo: March 11, 2009 Open Meeting

Item No.	Docket/Project No.	Kind of Action	Decision
1.	24640	Discussion and possible action including Order	Approved the order as submitted.
2.		Discussion and possible action	Not taken up.
3.		Discussion and possible action	Not taken up.
4.		Discussion and possible action	Not taken up.
5.	26793	Discussion	Not taken up.
6.	23100	Discussion	Not taken up.
7.	31600	Discussion and possible action	Discussion – no action
8.	34800	Final Order	Approved the order as amended which encapsulates the settlement.
9.	33687	Discussion and possible action	Discussion - no action. Will take up at the next open meeting.
10.	35665	Discussion and possible action	Approve order as amended.
11.	36412	Discussion and possible action	Discussion – no action.
12.	34577	Discussion and possible action	Not taken up.
13.	28073	Discussion and possible action	Approved order as submitted.
14.	35767	Discussion and possible action	Discussion - no action. Will take up at the next open meeting.
15.	35769	Discussion	Discussion – no action. Will next up possibly by the last open meeting in April.
16.	20970	Electric Service	Not taken up.
17.	23578	Discussion and possible action	Not taken up.
18.		Electric Reliability	Not taken up.

19.	Customer Service	Not taken up.
20.	Discussion and possible action	Not taken up.
21.	Budget Matters	Not taken up.
22.	Closed Session	Not taken up.

■ New Filings: 36798-36815

Control No	Party	Description	Item Type	Date Filed
<u>36798</u>	AT&T TEXAS	AT&T TEXAS REQUEST FOR WAIVER OF DENIAL OF NUMBERING RESOURCES FOR PITTSBURG RATE CENTER	PLDS	3/13/2009
<u>36799</u>	GUADALUPE VALLEY TELEPHONE COOPERATIVE, INC.	INFORMATIONAL NOTICE OF GUADALUPE VALLEY TELEPHONE COOPERATIVE, INC. FOR A CUSTOMER PROMOTIONAL OFFERINGS RELATED TO REQUESTS FOR NEW RESIDENTIAL SERVICE. PURSUANT TO SUBST. R. §26.228	T	3/16/2009
<u>36800</u>	TIME WARNER CABLE	APPLICATION OF TIME WARNER CABLE FOR AN AMENDMENT TO ITS STATE-ISSUED CERTIFICATE OF FRANCHISE AUTHORITY (SICFA) TO ADD MOUNTAIN CITY, TEXAS	PRJ	3/16/2009
<u>36801</u>	PUC-CADM	CONTROL NUMBER REQUEST FORM RE: PROCEEDING TO SEQUENCE CERTIFICATE OF CONVENIENCE AND NECESSITY APPLICATIONS FOR THE PRIORITY PROJECTS FOR THE COMPETITIVE RENEWABLE ENERGY ZONES (CREZ)	PLDS	3/16/2009
<u>36802</u>	PUC-CADM	CONTROL NUMBER REQUEST FORM RE: PROCEEDING TO SEQUENCE CERTIFICATE OF CONVENIENCE AND NECESSITY APPLICATIONS FOR THE SUBSEQUENT PROJECTS FOR THE COMPETITIVE RENEWABLE ENERGY ZONES (CREZ)	PLDS	3/16/2009
<u>36803</u>	AT&T TEXAS	JOINT APPLICATION OF SOUTHWESTERN BELL TELEPHONE COMPANY dba AT&T TEXAS AND SURE CONNECT, INC. FOR APPROVAL OF INTERCONNECTION AGREEMENT UNDER PURA AND THE TELECOMMUNICATIONS ACT OF 1996	PLDS	3/16/2009

<u>36804</u>	AT&T TEXAS	JOINT APPLICATION OF SOUTHWESTERN BELL TELEPHONE COMPANY dba AT&T TEXAS AND NTS COMMUNICATIONS, INC.. FOR APPROVAL OF AN AMENDMENT TO THE INTERCONNECTION AGREEMENT UNDER PURA AND THE TELECOMMUNICATIONS ACT OF 1996	PLDS	3/16/2009
<u>36805</u>	YOUNG ENERGY	APPLICATION OF YOUNG ENERGY, LLC FOR AN AMENDMENT TO ITS RETAIL ELECTRIC PROVIDERS (REP) CERTIFICATION, PURSUANT TO SUBST. R. §25.107	PLDS	3/16/2009
<u>36806</u>	CVC CLEC	APPLICATION OF CVC CLEC, LLC. FOR CERTIFICATION, RE-QUALIFICATION, OR AMENDMENT TO A SERVICE PROVIDER CERTIFICATE OF OPERATING AUTHORITY (SPCOA) AND A CERTIFICATE OF OPERATING AUTHORITY (COA)	PLDS	3/16/2009
<u>36807</u>	GTC ENERGY, INC.	APPLICATION OF GTC ENERGY, INC. FOR RETAIL ELECTRIC (REP) CERTIFICATION, PURSUANT TO SUBST. R. §25.107	PLDS	3/17/2009
<u>36808</u>	CENTRAL TELEPHONE COMPANY OF TEXAS DBA EMBARQ	INFORMATIONAL NOTICE OF CENTRAL TELEPHONE COMPANY OF TEXAS dba EMBARQ FOR NON-BASIC SERVICE, REVISION TO ENHANCED FRAME RELAY SERVICE	T	3/17/2009
<u>36809</u>	UNITED TELEPHONE COMPANY OF TEXAS, INC. DBA EMBARQ	INFORMATIONAL NOTICE OF UNITED TELEPHONE COMPANY OF TEXAS dba EMBARQ FOR NON-BASIC SERVICE, REVISION TO ENHANCED FRAME RELAY SERVICE	T	3/17/2009
<u>36810</u>	ALWAYS ELECTRIC, LLC	APPLICATION OF ALWAYS ELECTRIC, LLC FOR RETAIL ELECTRIC PROVIDER (REP) CERTIFICATION, PURSUANT TO SUBST. R. §25.107	PLDS	3/17/2009
<u>36811</u>	TWC DIGITAL PHONE LLC	APPLICATION OF TWC DIGITAL PHONE LLC REQUEST FOR PERMANENT WAIVER TO APPLY SAFE-HARBOR PERCENTAGE TO CALCULATE TUSF ASSESSMENT PURSUANT TO SUBST. R. §26.420(f)	PLDS	3/18/2009
<u>36812</u>	AT&T TEXAS	JOINT APPLICATION OF SOUTHWESTERN BELL TELEPHONE COMPANY dba AT&T TEXAS AND FASTADS, INC. FOR APPROVAL OF INTERCONNECTION AGREEMENT UNDER PURA AND THE TELECOMMUNICATIONS ACT OF 1996	PLDS	3/18/2009

<u>36813</u>	AT&T TEXAS	JOINT APPLICATION OF SOUTHWESTERN BELL TELEPHONE COMPANY dba AT&T TEXAS AND KEY COMM INTERNATIONALS, INC. dba KCI WIRELESS FOR APPROVAL OF INTERCONNECTION AGREEMENT UNDER PURA AND THE TELECOMMUNICATIONS ACT OF 1996	PLDS	3/18/2009
<u>36814</u>	AT&T TEXAS	APPLICATION OF AT&T TEXAS REQUEST FOR WAIVER OF DENIAL OF NUMBERING RESOURCES FOR SAN ANTONIO RATE CENTER	PLDS	3/18/2009
<u>36815</u>	AT&T TEXAS	JOINT APPLICATION OF SOUTHWESTERN BELL TELEPHONE COMPANY dba AT&T TEXAS AND NET TALK.COM, INC. FOR APPROVAL OF INTERCONNECTION AGREEMENT UNDER PURA AND THE TELECOMMUNICATIONS ACT OF 1996	PLDS	3/18/2009