

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

9. 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
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. 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 including Preliminary Order) Mark Hovenkamp
12. Docket No. 36864 - Petition of El Paso Electric Company to Terminate the Interim Fuel Surcharge Tariff Authorized in Docket No. 35856. (Final Order) Irene Montelongo
13. Project No. 35767 - PUC Rulemaking Relating to the Certification of Retail Electric Providers. (Proposal for Adoption) Shawnee Claiborn-Pinto and Patrick Peters
14. Project No. 35769 - PUC Rulemaking Relating to Providers of Last Resort. (Proposal for Adoption) Christine Wright and Scottie Aplin
15. Project No. 20970 - Plan for Implementing SB 7, SB 86, and SB 20; Plan for Implementing Other Legislation Relating to Electric Service. Jess Totten
16. Project No. 23578 - Customer Education Campaign. (Discussion and possible action) Mike Renfro
17. 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.
18. Discussion and possible action regarding customer service issues, including but not limited to correspondence and complaint issues.
19. Infrastructure Reliability, Emergency Management, and Homeland Security matters. (Discussion and possible action) David Featherston

ADMINISTRATIVE

20. Discussion and possible action regarding operating budget, strategic plan, appropriations request, project assignments, correspondence, staff reports, agency administrative issues, fiscal matters and personnel policy.
21. 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. ER07-956-000, Entergy Services, Inc.

FERC Docket No. ER09-833-000, 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

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: April 9, 2009 Open Meeting

Item No.	Docket/Project No.	Kind of Action	Decision
1.		Discussion and possible action	Not taken up.
2.		Discussion and possible action	Not taken up.
3.		Discussion and possible action	Not taken up.
4.	36375	Discussion and possible action	Discussion – no action.
5.	26793	Discussion	Not taken up.
6.	23100	Discussion	Not taken up.
7.	31600	Discussion and possible action	Not taken up.
8.	33687	Discussion and possible action	Discussion – no action.

9.	36412	Discussion and possible action	Not taken up.
10.	36851	Discussion and possible action	Discussion – no action
11.	36416	Discussion and possible action	Approved of motion to find good cause for waiver, The Commissioners find the evidentiary record at this point to be insufficient, and would like to develop a process delegating to Staff to tee up a hearing at the Commission.
12.	36787	Final Order	Approved on consented.
13.	35769	Proposal for Adoption	Discussion – no action. Will take up at the next open meeting.
14.	35767	Proposal for Adoption	Discussion – no action. Will take up at the next open meeting.
15.	34577	Discussion and possible action	Discussion – no action.
16.	20970	Discussion	Discussion – no action.
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 Matter	Not taken up.
22.		Close Session	Discussion – no action.

■ New Filings: 36901-36916

Control No	Item Type	Party	Description	Date Filed
<u>36901</u>	PLDS	JOINT WINDSTREAM COMMUNICATIONS SOUTHWEST	JOINT APPLICATION OF VALOR TELECOMMUNICATIONS OF TEXAS, LP-TX dba WINDSTREAM COMMUNICATIONS SOUTHWEST AND UNITED STATES CELLULAR CORPORATION FOR APPROVAL OF AN INTERCONNECTION AGREEMENT UNDER PURA AND THE TELECOMMUNICATIONS ACT OF 1996	4/9/2009

<u>36902</u>	PLDS	AT&T TEXAS	JOINT APPLICATION OF SOUTHWESTERN BELL TELEPHONE COMPANY dba AT&T TEXAS AND TENNESSEE TELEPHONE SERVICES,LL dba FREEDOM COMMUNICATIONS USA, LLC FOR APPROVAL OF INTERCONNECTION AGREEMENT UNDER PURA AND THE TELECOMMUNICATIONS ACT OF 1996	4/10/2009
<u>36902</u>	PLDS	PUC-CADM	ORDER NO. 1. ESTABLISHING PROCEDURAL SCHEDULE FOR ADMINISTRATIVE REVIEW.	4/13/2009
<u>36903</u>	PRJ	CHARLENE ERIN GELB	APPLICATION OF CHARLENE ERIN GELB FOR AGGREGATOR REGISTRATION, PURSUANT TO SUBST. R. §25.111	4/10/2009
<u>36904</u>	PRJ	DA COTT ENERGY MANAGEMENT, LLC	APPLICATION OF DA COTT ENERGY MANAGEMENT, LLC FOR AGGREGATOR REGISTRATION, PURSUANT TO SUBST. R. §25.111	4/13/2009
<u>36905</u>	PRJ	CCES ACQUISITION, LLC	APPLICATION OF CCES ACQUISITION, LLC FOR AGGREGATOR REGISTRATION, PURSUANT TO SUBST. R. §25.111	4/14/2009
<u>36906</u>	T	CENTRAL TELEPHONE COMPANY OF TEXAS	INFORMATIONAL NOTICE OF CENTRAL TELEPHONE COMPANY OF TEXAS D/B/A EMBARQ FOR NON-BASIC SERVICES-INTRODUCTION OF A PROMOTIONAL OFFER FOR RESIDENTIAL CUSTOMERS	4/13/2009
<u>36907</u>	PRJ	COMCAST OF HOUSTON, LLC	APPLICATION OF COMCAST OF HOUSTON, LLC FOR STATE-ISSUED CERTIFICATE OF FRANCHISE AUTHORITY (SICFA)	4/13/2009
<u>36908</u>	PLDS	AT&T TEXAS	JOINT APPLICATION OF SOUTHWESTERN BELL TELEPHONE COMPANY dba AT&T TEXAS AND BELLERUD COMMUNICATIONS, LLC FOR APPROVAL OF INTERCONNECTION AGREEMENT UNDER PURA AND THE TELECOMMUNICATIONS ACT OF 1996	4/13/2009
<u>36909</u>	PLDS	PUC LEGAL	APPLICATION OF COMMISSION STAFF FOR APPROVAL OF SETTLEMENT AGREEMENT WITH LUMINANT ENERGY COMPANY, LLC	4/13/2009
<u>36910</u>	T	UNITED TELEPHONE COMPANY OF TEXAS	INFORMATIONAL NOTICE OF UNITED TELEPHONE COMPANY OF TEXAS D/B/A EMBARQ FOR NON-BASIC SERVICES-INTRODUCTION OF A PROMOTIONAL OFFER FOR RESIDENTIAL CUSTOMERS	4/13/2009

<u>36911</u>	PLDS	YOUNG ENERGY, LLC	APPLICATION OF YOUNG ENERGY, LLC FOR AN AMENDMENT TO ITS RETAIL ELECTRIC PROVIDER, PURSUANT TO SUBST. R. §25.107	4/14/2009
<u>36912</u>	T	ONCOR ELECTRIC DELIVERY COMPANY LLC	INTERIM TRUE-UP COMPLIANCE FILING OF ONCOR ELECTRIC DELIVERY COMPANY LLC CONCERNING RIDER TC1-TRANSITION CHARGE	4/15/2009
<u>36913</u>	PLDS	MUNDO TELECOM, INC.	APPLICATION OF MUNDO TELECOM, INC. TO RELINQUISH ITS SERVICE PROVIDER CERTIFICATE OF OPERATING AUTHORITY	4/15/2009
<u>36914</u>	PLDS	AT&T TEXAS	JOINT APPLICATION OF SOUTHWESTERN BELL TELEPHONE COMPANY dba AT&T TEXAS AND AURIC MARKETING, LLC FOR APPROVAL OF INTERCONNECTION AGREEMENT UNDER PURA AND THE TELECOMMUNICATIONS ACT OF 1996	4/15/2009
<u>36915</u>	PRJ	CITY OF AUSTIN D/B/A AUSTIN ENERGY	CITY OF AUSTIN dba AUSTIN ENERGY'S REQUEST FOR MICROGENERATOR REGISTRATION AND CERTIFICATION OF AGGREGATED MICROGENERATOR FACILITIES PURSUANT TO PUC SUBST. R. §25.173	4/15/2009
36916	PLDS	USFON, INC.	INTERCONNECTION AGREEMENT OF USFON, INC. AND AT&T TEXAS AS APPROVED ON AUGUST 18, 2005 IN DOCKET NO. 28821, ORDER NO. 46, APPROVING INTERCONNECTION AGREEMENT	4/16/2009