## Public Utility Commission of Texas

April 24, 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: May 4-8, 2009

Wednesday 5/6/09			
10:00 a.m. CHR, 7-100 7th Floor, Travis Bldg.	Prehearing Conference	Docket # 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; (Kathy Shockey)	
Thursday 5/7/09			
9:30 a.m. CHR, 7-100 7th Floor, Travis Bldg.	Open Meeting	See Open Meeting Agenda	
Friday 5/8/09			
9:00 a.m. CHR, 7-100 7th Floor, Travis Bldg.	Hearing on the Merits	Docket # 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; (Kathy Shockey)	
10:00 a.m.  HR Gee, 7-120 7th Floor, Travis Bldg.	Prehearing Conference	Docket # 33687 Entergy Gulf States, Inc's Transition to Competition Plan; (Kathy Shockey)	

## ■ Open Meeting Agenda: May 7, 2009

#### **TELECOMMUNICATIONS**

- 1. Docket No. 36646 Application of Tracfone Wireless, Inc. for Designation as an Eligible Telecommunications Carrier in the State of Texas for the Limited Purpose of Offering Lifeline and Linkup Service to Qualified Households. (Final Order) Andrew Kang
- 2. Docket No. 36633 Petition of CPS Energy for Enforcement Against AT&T Texas and Time Warner Cable Regarding Pole Attachments. (Appeal of Order No. 3) Davida Dwyer
- 3. 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.

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

#### **ELECTRIC**

- 6. Project No. 26793 PUC Proceeding Related to Retail Market Oversight Activities. Jess Totten
- 7. Project No. 23100 PUC Market Oversight Activities. Jess Totten
- 8. Project No. 31600 Transition to an ERCOT Nodal Market Design. (Discussion and possible action) Jess Totten
- 9. Docket No. 34611; SOAH Docket No. 473-08-3341 Application of Kelson Transmission Company, LLC for a Certificate of Convenience and Necessity for the Amended Proposed Canal-to-Deweyville 345-kV Transmission Line within Chambers, Hardin, Jasper, Jefferson, Liberty, Newton, and Orange Counties (Final Order) Heidi Jackson
- 10. 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. (Motion for Rehearing). Heidi Jackson
- 11. 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
- 12. 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
- 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. 36851 Application of the Electric Reliability Council of Texas, Inc. for Approval of a Revised Nodal Market Implementation Surcharge. (Discussion and possible action) John Kramer
- 15. Docket No. 36918 Application of CenterPoint Energy Houston Electric, LLC for Determination of Hurricane Restoration Costs. (Discussion and possible action)
- 16. Docket No. 36931 Application of Entergy Texas, Inc. for Determination of 2008 System Restoration Costs. (Discussion and possible action)

- 17. Docket No. 36555 Application of Exelon Corporation, Exelon Xchange, and Exelon Generation Company, LLC Pursuant to Section 39.158 of the Public Utility Regulatory Act. (Discussion and possible action)
- 18. Docket No. 36732 Application of AEP Texas Central Company for Interim Update of Wholesale Transmission Rates Pursuant to P.U.C. SUBST. R. 25.192(g)(1). (Final Order) Irene Montelongo
- 19. Docket No. 36733 Application of AEP Texas North Company for Interim Update of Wholesale Transmission Rates Pursuant to P.U.C. SUBST. R. 25.192(g)(1). (Final Order) Irene Montelongo
- 20. Docket No. 36735 Application of Electric Transmission Texas for Interim Update of Wholesale Transmission Rates Pursuant to P.U.C. Subst. R. 25.192 (g)(1). (Final Order) Irene Montelongo
- 21. Project No. 34577 Proceeding to Establish Policy Relating to Excess Development in Competitive Renewable Energy Zones. (Discussion and possible action) Danielle Jaussaud
- 22. Project No. 36536 PUC Rulemaking to Expedite Customer Switch Timelines. (Proposal for Adoption) Mick Long and David Smithson
- 23. Project No. 35769 PUC Rulemaking Relating to Providers of Last Resort. (Proposal for Adoption) Christine Wright and Scottie Aplin
- 24. Project No. 20970 Plan for Implementing SB 7, SB 86, and SB 20; Plan for Implementing Other Legislation Relating to Electric Service. Jess Totten
- 25. Project No. 23578 Customer Education Campaign. (Discussion and possible action) Mike Renfro
- 26. Discussion and possible action on transmission planning, approved transmission projects, and market-development activities including, but not limited to the Southwest Power Pool.
- 27. 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.
- 28. Discussion and possible action regarding customer service issues, including but not limited to correspondence and complaint issues.
- 29. Infrastructure Reliability, Emergency Management, and Homeland Security matters. (Discussion and possible action) David Featherston

#### **ADMINISTRATIVE**

- 30. Discussion and possible action regarding operating budget, strategic plan, appropriations request, project assignments, correspondence, staff reports, agency administrative issues, fiscal matters and personnel policy.
- 31. 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. 09-0181, Texas Supreme Court (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 (Appeal of Docket No. 25269)

Entergy Texas, Inc. v. PUCT, Cause No. D-1-GN-09-000816, Travis County District Court, 126<sup>th</sup> District (Appeal of Docket No. 25269)

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

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. 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, 200<sup>th</sup> Judicial District, Travis County District Court; Pioneer Natural Resources USA, Inc. v. Public Util. Comm'n, No. D-1-GN-06-003209, 126<sup>th</sup> 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 162<sup>nd</sup> 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. 09-50313, Fifth Circuit Court of Appeals (Docket No. 30459)

- 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 23, 2009

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.	26793	Discussion	Not taken up.

5.	23100	Discussion	Not taken up.
6.	31600	Discussion and possible action	Discussion – no action.
7.	34442	Final Order	Approved motion to affirm the Proposal For Decision in part, correct and adjust by deleting Finding of Fact 22 and delegate to the Staff the ability to make nonsubstantive corrections and changes.
8.	33687	Discussion and possible action	Discussion – no action.
9.	36412	Discussion and possible action	Not taken up.
10.	36649	Declaratory Order	Approved Order at April 9, 2009Open Meeting with Chairman Smitherman dissenting.
11.	36416	Discussion and possible action including Preliminary Order	Approved the draft preliminary order with amendments and changes.
12.	36864	Final Order	Approved on consent.
13.	35767	Proposal for Adoption	Approved of adopting the rule with the changes included in Commissioner Anderson's memo as well as the changes that the proposed in this open meeting.  Delegated to staff to make nonsubstantive changes and to the preamble.
14.	35769	Proposal for Adoption	Discussion – no action. Will take up at the next open meeting.
15.	20970	Discussion	Not taken up.
16.	23578	Discussion and possible action	Not taken up.
17.		Electric Reliability	Not taken up.
18.		Customer Service	Not taken up.
19.		Discussion and possible action	Not taken up.
20.		Budge Matter	Not taken up.
21.		Closed Session	Not taken up.

# ■ New Filings: 36933-36949

Control No	Item Type	Party	Description	Date Filed
36933	Т	AT&T TEXAS	AT&T TEXAS TO REVISE LOCAL EXCHANGE TARIFF, SECTION 1, SHEET 64.1; TO CHANGE LOCAL EXCHANGE CALLING SCOPES DUE TO EXPANDED LOCAL CALLING PRJS	4/23/2009

<u>36935</u>	PLDS	STREAM ENERGY	COMPLIANT OF WILTON BLACK AGAINST STREAM ENERGY	4/24/2009
<u>36936</u>	Т	CONSOLIDATED COMMUNICATIONS OF FORT BEND (CCFB)	INFORMATIONAL NOTICE OF CONSOLIDATED COMMUNICATIONS OF FORT BEND FOR MODIFYING TERMS AND CONDITIONS FOR PRI TERM RATES DISCOUNTS	4/27/2009
36937	Т	CONSOLIDATED COMMUNICATIONS OF TEXAS (CCTX)	INFORMATIONAL NOTICE OF CONSOLIDATED COMMUNICATIONS OF TEXAS FOR MODIFYING TERMS AND CONDITIONS FOR PRI TERM RATES DISCOUNTS	4/27/2009
36938	PLDS	AEP TEXAS CENTRAL COMPANY	CONTROL NUMBER REQUEST FORM RE: APPLICATION OF AEP TEXAS CENTRAL COMPANY TO IMPLEMENT A MECHANISM TO ADDRESS ENERGY TRADING MARGINS	4/27/2009
36939	PLDS	VERIZON SOUTHWEST	JOINT APPLICATION OF AURIC MARKETING LLC AND VERIZON SOUTHWEST FOR APPROVAL OF A RESALE AGREEMENT UNDER PURA 1995 AND THE TELECOMMUNICATIONS ACT OF 1996	4/27/2009
36940	PLDS	TELENATIONAL COMMUNICATIONS, INC.	APPLICATION OF TELENATIONAL COMMUNICATIONS, INC. FOR DESIGNATION AS AN ETC IN AREAS SERVED BY CEDAR VALLEY COMMUNICATIONS AND APPLICATION OF CEDAR VALLEY COMMUNICATIONS FOR RELINQUISHMENT OF ITS ETC DESIGNATION	4/28/2009
<u>36941</u>	PRJ	TIME WARNER CABLE	APPLICATION OF TIME WARNER CABLE FOR AN AMENDMENT TO ITS STATE-ISSUED CERTIFICATE OF FRANCHISE AUTHORITY TO ADD SERVICE AREA TO DELTA, DENTON, DOUBLE OAK AND PRINCETON COUNTIES	4/28/2009
36942	PLDS	VERIZON SOUTHWEST	VERIZON SOUTHWEST NOTICE OF INTENT TO FILE LONG RUN INCREMENTAL COST STUDY (LRIC) FOR OPERATOR ASSISTANCE - COLLECT AND THIRD NUMBER, PURSUANT TO PUC SUBST. R. §26.215	4/28/2009
36943	PLDS	AT&T TEXAS	JOINT APPLICATION OF SOUTHWESTERN BELL TELEPHONE COMPANY dba AT&T TEXAS AND TERRACOM, INC FOR APPROVAL OF INTERCONNECTION AGREEMENT UNDER PURA AND THE TELECOMMUNICATIONS ACT OF 1996	4/28/2009
36944	PLDS	AT&T TEXAS	JOINT APPLICATION OF SOUTHWESTERN BELL TELEPHONE COMPANY dba AT&T TEXAS AND PAETEC COMMUNICATIONS, INC. FOR APPROVAL OF INTERCONNECTION AGREEMENT AND AMENDMENT THERETO UNDER PURA AND THE TELECOMMUNICATIONS ACT OF 1996	4/28/2009

36945	PLDS	AT&T TEXAS	JOINT APPLICATION OF SOUTHWESTERN BELL TELEPHONE COMPANY dba AT&T TEXAS AND TELOPS INTERNATIONAL INC. dba AMTEL FOR APPROVAL INTERCONNECTION AGREEMENT UNDER PURA AND THE TELECOMMUNICATIONS ACT OF 1996	4/28/2009
36946	PLDS	VIRGIN MOBILE USA, L.P.	PETITION OF VIRGIN MOBILE USA, L.P. FOR LIMITED DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER (ETC) IN THE STATE OF TEXAS	4/29/2009
36947	Т	SWEPCO	COMPLIANCE TARIFF FILING OF SOUTHWESTERN ELECTRIC POWER COMPANY PURSUANT TO FINAL ORDER IN DOCKET NO. 19265; (APPLICATION OF CENTRAL AND SOUTH WEST CORP AND AMERICAN ELECTRIC POWER COMPANY RE: PROPOSED BUSINESS COMBINATION)	4/29/2009
36948	PRJ	PUC DEPUTY EXECUTIVE DIRECTOR	CONTROL NUMBER REQUEST FORM RE: RFP'S FOR CONSULTING SERVICES TO OVERSEE AND MONITOR THE PLANNING, FINANCING AND CONSTRUCTION OF TRANSMISSION FACILITIES SUPPORTING COMPETITIVE RENEWABLE ENERGY ZONES	4/29/2009
36949	PLDS	SOUTHWESTERN ELECTRIC POWER COMPANY	APPLICATION OF SOUTHWESTERN ELECTRIC POWER COMPANY FOR APPROVAL OF RECONCILIATION OF PURCHASED POWER AND CONSERVATION FACTOR (PPCF) FOR THE PERIOD 2006 - 2008	4/30/2009