

**Public Utility Commission**

**PERFORMANCE MEASURES REPORT**

**Fiscal Year 2007  
Annual**



**September 1, 2006 Thru August 31, 2007**

**Performance Measures Reported In LBB ABEST**

**ACTUAL PERFORMANCE FOR OUTCOME MEASURES**  
**473 - PUBLIC UTILITY COMM**  
**FISCAL YEAR 2007**  
**10/5/2007**

**Actual Performance for Outcome Measures with Updates**  
 79th Regular Session, Performance Reporting  
 Automated Budget and Evaluation System of Texas (ABEST)

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Agency code: 473

Agency name: PUBLIC UTILITY COMM

Type/Objective/Measure	2007 Target	2007 YTD	Percent of Annual Target	Target Range
<u>1-1 MAINTAIN COMPETITION</u>				
1 RELATIVE ELEC PRICE: RESIDENTIAL	109.60 %	143.60 %	131.02 % *	104.12 - 115.08
<u>Explanation of Variance:</u> The ERCOT territory uses natural gas for 50% of its generation, as compared to 15-20% nationally. Therefore, significant natural gas price increases relative to 2002 affected rates in the competitive area of Texas to a far greater extent than gas price increases affected electric prices on a national level.				
<u>Prior YTD:</u>				
5 % OF NAT'L AVG RESIDENTIAL E-BILL	148.00 %	154.60 %	104.46 %	140.60 - 155.40
<u>Prior YTD:</u>				
6 % SERVED BY CITIES CERTIFIED	86.00 %	82.22 %	95.60 %	81.70 - 90.30
<u>Prior YTD:</u>				
<u>1-2 REGULATE SERVICE PROVIDERS</u>				
1 % OF NAT'L AVG RESIDENTIAL PH BILL	65.00 %	69.89 %	107.52 % *	61.75 - 68.25
<u>Explanation of Variance:</u> The average residential telephone bill in Texas for basic service has remained lower than the national average this year. The ratio between the state and national rate has not changed significantly between 2005 and 2006. The FCC, in its Trends in Telephone Service report, recorded no change in the national average single-line residential telephone rate. Last year the rate was \$14.75 and it remains so this year. The Texas single-line residential rate increased this year from \$10.15 to \$10.31. The increase in the Texas average was mainly driven by an increase in the weighted single-line residential access line rates of AT&T Texas (formerly SBC Texas) and Embarq Centel (formerly Sprint Centel). An increase in basic service rates in partially deregulated exchanges also contributed to the increase.				
The rates of competitive local exchange carriers (CLECs) and other alternative local providers, such as cellular carriers, are not included in the calculation of this performance measure.				
<u>Prior YTD:</u>				
<u>2-2 RESOLVE COMPLAINTS</u>				
1 % CUST COMPLAINTS RESOLVED (IRP)	99.00 %	99.79 %	100.80 %	94.05 - 103.95
<u>Prior YTD:</u>				

\* Varies by 5% or more from target.

**ACTUAL PERFORMANCE FOR OUTPUT/EFFICIENCY MEASURES**  
**473 - PUBLIC UTILITY COMM**  
**FISCAL YEAR**  
**10/5/2007**

**Actual Performance for Output/Efficiency Measures with Updates**  
 79th Regular Session, Performance Reporting  
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Type/Strategy/Measure	2007 Target	2007 Actual	2007 YTD	Percent of Annual Target	Target Range
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**Output Measures**

1-1-1 MARKET COMPETITION

3 # INVESTIGATIONS FOR MKT POWER ELEC

<b>Quarter 1</b>	8.00	2.00	2.00	25.00 %	1.60 - 2.40
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Prior Amount: 2.00

Prior YTD: 2.00

<b>Quarter 2</b>	8.00	1.00	3.00	37.50 % *	3.60 - 4.40
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Explanation of Variance: Two investigations of potential wholesale market rule violations were completed this quarter. Both were related to the provision of ancillary services by market participants. The agency is on target for this measure for the year.

Explanation of Update: One of the originally reported investigations resulted in a finding that there had been no violation, consequently the case was closed without assignment of a docket number or issuance of a final order and for that reason cannot be counted as an investigation for this measure.

Prior Amount: 1.00

Prior YTD: 3.00

Prior Explanation of Update: One of the originally reported investigations resulted in a finding that there had been no violation, consequently the case was closed without assignment of a docket number or issuance of a final order and for that reason cannot be counted as an investigation for this measure.

Prior Amount: 1.00

Prior YTD: 3.00

Prior Explanation of Update: One of the originally reported investigations resulted in a finding that there had been no violation, consequently the case was closed without assignment of a docket number or issuance of a final order and for that reason cannot be counted as an investigation for this measure.

Prior Amount: 2.00

Prior YTD: 4.00

\* Varies by 5% or more from target.

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**Output Measures**

3 # INVESTIGATIONS FOR MKT POWER ELEC

<b>Quarter 3</b>	8.00	5.00	8.00	100.00 % *	5.60 - 6.40
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Explanation of Variance: Six investigations of wholesale electricity market rule violations relating to the provision of ancillary services by generation companies were completed this quarter under P-32128, SIR Nos. 2006020005, 2006090001, 2006090004, 2006090005, 2006090013, and 2006110001. There were several reasons for the unexpectedly high number of cases that were completed in this quarter. One case (SIR 2006020005) was a left over from FY2006 due to the fact that the Company in question was dealing with bankruptcy issues and could not settle as quickly as is the case for other companies. Another investigation (SIR 2006090013) was closed early due to the fact that Company in question provided additional information to demonstrate that no violation took place at all. Finally, three other cases (SIR Nos. 2006090001, 2006090004, 2006090005) were all dealing with the same event that took place on April 17, 2006, and were similar in nature. As a result, Staff was able to analyze and complete them concurrently.

Explanation of Update: One of the originally reported investigations resulted in a finding that there had been no violation, consequently the case closed without assignment of a docket number or issuance of a final order and for that reason cannot be counted as an investigation for this measure.

Prior Amount: 5.00

Prior YTD: 8.00

Prior Explanation of Update: One of the originally reported investigations resulted in a finding that there had been no violation, consequently the case closed without assignment of a docket number or issuance of a final order and for that reason cannot be counted as an investigation for this measure.

Prior Amount: 6.00

Prior YTD: 10.00

\* Varies by 5% or more from target.

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Type/Strategy/Measure	2007 Target	2007 Actual	2007 YTD	Percent of Annual Target	Target Range
<b>Output Measures</b>					
3 # INVESTIGATIONS FOR MKT POWER ELEC					
<b>Quarter 4</b>	8.00	6.00	14.00	175.00 % *	7.60 - 8.40
<u>Explanation of Variance:</u> Six investigations were completed in the 4th quarter and a final order was issued in each case. Five of these investigations were directed at loads acting as resources (LaaRs) that failed to follow instructions to deploy during an emergency event. The sixth investigation was directed at a generator that failed to follow ERCOT instructions to shed load during the same emergency event. The total number of investigations for the quarter again exceeded the projection. This is explained by the fact that ERCOT experienced a series of emergency events during which LaaRs were instructed to deploy, but an unexpectedly large number of them were unable to comply. This resulted in a larger than expected number of investigations of the same type of violation by several market participants. The ERCOT Protocols have been modified to strengthen the market rules relating to the testing and deployment of LaaRs, and as a result, we do not expect a recurrence of these types of violations.					
<u>Prior Amount:</u> 6.00					
<u>Prior YTD:</u> 14.00					
4 # INVESTIGATIONS MKT POWER PHONE					
<b>Quarter 1</b>	3.00	0.00	0.00	0.00 % *	0.60 - 0.90
<u>Explanation of Variance:</u> There were no investigations completed in this quarter. Currently, there are no investigations in process of market power, market design, or anti-competitive conduct. The measure is difficult to predict and may vary from quarter to quarter. Performance lower than the target is desirable because it indicates that companies are in compliance with statutes and rules.					
<b>Quarter 2</b>	3.00	0.00	0.00	0.00 % *	1.35 - 1.65
<u>Explanation of Variance:</u> There were no investigations completed in this quarter. Currently, there are no investigations in process on market power, market design, or anti-competitive conduct. The measure is difficult to predict and may vary from quarter to quarter. Performance lower than the target is desirable because it indicates that companies are in compliance with statutes and rules.					

\* Varies by 5% or more from target.

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**Output Measures**

4 # INVESTIGATIONS MKT POWER PHONE

<b>Quarter 3</b>	3.00	0.00	0.00	0.00 % *	2.10 - 2.40
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Explanation of Variance: There were no investigations completed in this quarter. Currently, there are no investigations in process on market power, market design, or anti-competitive conduct. The measure is difficult to predict and may vary from quarter to quarter. Performance lower than the target is desirable because it indicates that companies are in compliance with statutes and rules.

<b>Quarter 4</b>	3.00	0.00	0.00	0.00 % *	2.85 - 3.15
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Explanation of Variance: There were no investigations completed in this quarter. Currently, there are no investigations in process on market power, market design, or anti-competitive conduct. The measure is difficult to predict and may vary from quarter to quarter. Performance lower than the target is desirable because it indicates that companies are in compliance with statutes and rules.

5 # OF CASES COMPLETED RELATED COMP

\* Varies by 5% or more from target.



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**Output Measures**

5 # OF CASES COMPLETED RELATED COMP

<b>Quarter 1</b>	900.00	141.00	141.00	15.67 % *	180.00 - 270.00
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Explanation of Variance: There were 136 cases completed; 18 relating to electric providers and 118 to telecommunications providers. The 118 Telecommunications cases consisted of: interconnections agreements (65), 12 related to market competition and disputes between companies, 12 related to federal FCC rules, and 27 were for applications for certificates of operating authority. The majority of the cases related to electric certification. This measure is difficult to predict because the Commission has no control over the number of cases that may be filed by persons seeking necessary regulatory approvals.

Explanation of Update: Review of this quarter's data revealed that the number reported was inaccurate. The number of cases related to telecommunications market competition and disputes increased from 12 to 16. The number of electric cases increased from 18 to 19. The total number of cases changed from 136 to 141.

Prior Amount: 136.00

Prior YTD: 136.00

Prior Amount: 141.00

Prior YTD: 141.00

Prior Explanation of Update: Review of this quarter's data revealed that the number reported was inaccurate. The number of cases related to telecommunications market competition and disputes increased from 12 to 16. The number of electric cases increased from 18 to 19. The total number of cases changed from 136 to 141.

\* Varies by 5% or more from target.

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**Output Measures**

5 # OF CASES COMPLETED RELATED COMP

<b>Quarter 2</b>	900.00	138.00	279.00	31.00 % *	405.00 - 495.00
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Explanation of Variance: There were 133 cases completed; 27 relating to electric providers and 106 to telecommunications providers. The 106 telecommunications cases consisted of : interconnection agreements (44), 33 related to market competition and disputes between companies, 14 related to federal FCC rules, and 15 were for applications for certificates of operating authority. The majority of the electric cases related to electric certification. This measure is difficult to predict because the Commission has no control over the number of cases that may be filed by persons seeking necessary regulatory approvals.

Explanation of Update: Review of this quarter's data revealed that the number reported was inaccurate. Interconnection agreements increased from 44 to 46, cases related to FCC rules increased from 14 to 15, and telecom certifications increased from 15 to 16, the number related to telecom complaints increased from 0 to 1. Overall the quarter increased from 133 to 138.

Prior Amount: 133.00

Prior YTD: 269.00

Prior Amount: 138.00

Prior YTD: 279.00

Prior Explanation of Update: Review of this quarter's data revealed that the number reported was inaccurate. Interconnection agreements increased from 44 to 46, cases related to FCC rules increased from 14 to 15, and telecom certifications increased from 15 to 16, the number related to telecom complaints increased from 0 to 1. Overall the quarter increased from 133 to 138.

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**Output Measures**

5 # OF CASES COMPLETED RELATED COMP

<b>Quarter 3</b>	900.00	147.00	426.00	47.33 % *	630.00 - 720.00
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Explanation of Variance: There were 142 cases completed; 34 relating to electric providers and 108 to telecommunications providers. The 108 Telecommunications cases consisted of: interconnections agreements (45), 24 related to market competition and disputes between companies, 18 related to federal FCC rules, and 21 were for applications for certificates of operating authority. Of the 34 cases related to electric providers 4 related to complaints, 4 related to competitive retail issues, 2 related to competitive wholesale issues, and 24 related to certification issues. This measure is difficult to project because the Commission has no control over the number of cases that may be filed by persons seeking necessary regulatory approvals.

Explanation of Update: Review of this quarter's data revealed increases in Interconnection agreements, cases related to telecommunications market competition and disputes, telecom complaints, and electric competitive wholesale issues while telecom certifications, electric complaints, and electric certifications decreased for a net change from 142 to 147.

Prior Amount: 142.00

Prior YTD: 411.00

<b>Quarter 4</b>	900.00	139.00	565.00	62.78 % *	855.00 - 945.00
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Explanation of Variance: There were 139 cases completed; 29 relating to electric providers and 110 to telecommunications providers. The 110 Telecommunications cases consisted of: interconnections agreements (23), 36 related to market competition and disputes between companies, 22 related to federal FCC rules, and 29 were for applications for certificates of operating authority. Of the 29 cases related to electric providers 2 related to competitive retail issues, 1 related to competitive wholesale issues, 1 related to waivers, and 25 related to certification issues. This measure is difficult to project because the Commission has no control over the number of cases that may be filed by persons seeking necessary regulatory approvals.

1-2-1 UTILITY REGULATION

1 # OF RATE CASES COMPLETED ELECTRIC

\* Varies by 5% or more from target.

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Type/Strategy/Measure	2007 Target	2007 Actual	2007 YTD	Percent of Annual Target	Target Range
<b>Output Measures</b>					
1 # OF RATE CASES COMPLETED ELECTRIC					
<b>Quarter 1</b>	35.00	5.00	5.00	14.29 % *	7.00 - 10.50
<u>Explanation of Variance:</u> Of the five completed electric rate cases, one major proceeding was a petition by Commission Staff for review of the rates of CenterPoint Energy Houston Electric, LLC, and the other was a case on remand filed by Reliant Energy HL&P for approval of unbundled cost of service rates. The minor cases involved the unbundling of rates for residential and secondary service, and the remaining for interim updates to wholesale transmission rates.					
<b>Quarter 2</b>	35.00	15.00	20.00	57.14 % *	15.75 - 19.25
<u>Explanation of Variance:</u> Of the fifteen minor rate cases completed in the second quarter of FY 07, four were long standing dockets initiated by Entergy Gulf States, Mutual Energy SWEPCO, LP, and two by Southwestern Electric Power Company (SWEPCO) to implement retail competition. Following a period of abatement the Commission determined that full retail competition in the SWEPCO service area and the Entergy area will not be introduced at this time, therefore the out dated applications to implement retail competition could be dismissed. The remainder of the completed cases were two applications to change rates for wholesale transmission service, six applications to update transmission cost recovery factors, one HB-11 case, and two miscellaneous cases.					
<b>Quarter 3</b>	35.00	3.00	23.00	65.71 % *	24.50 - 28.00
<u>Explanation of Variance:</u> Of the three rate cases completed in the third quarter of FY 07, one major proceeding was an application by AEP Texas North Company for authority to change rates. The two minor rate proceedings completed this quarter were one application to change rates for wholesale transmission service and one HB-11 case. This measure is difficult to project because the Commission has no control over the number of cases that may be filed by persons seeking necessary regulatory approvals.					
<b>Quarter 4</b>	35.00	11.00	34.00	97.14 %	33.25 - 36.75
2 # OF RATE CASES COMPLETED TELECOM					

\* Varies by 5% or more from target.

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**Output Measures**

2 # OF RATE CASES COMPLETED TELECOM

<b>Quarter 1</b>	6.00	0.00	0.00	0.00 % *	1.20 - 1.80
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Explanation of Variance: There were no rate cases for regulated telecommunications providers completed, but two cases are pending. One relates to HB11 tax adjustments, and the other is a revision to AT&T's Pay Telephone Exchange Access Service (PTEAS). The final order in this case was issued December 4, 2006. This measure reflects the number of rate proceedings initiated primarily by providers that result in customer rate changes and is a measure that is difficult to project.

Prior Amount: 0.00

Prior YTD: 0.00

\* Varies by 5% or more from target.

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**Output Measures**

2 # OF RATE CASES COMPLETED TELECOM

<b>Quarter 2</b>	6.00	4.00	4.00	66.67 % *	2.70 - 3.30
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Explanation of Variance: There was one rate case for regulated telecommunications providers completed, a revision to AT&T's Pay Telephone Exchange Access Service (PTEAS). Six cases are now pending, including a case relating to HB11 tax adjustments, a McLeod local access rate case, and four depreciation rate cases. This measure reflects the number of rate proceedings initiated primarily by providers that result in customer rate changes and is a measure that is difficult to project.

Explanation of Update: Throughout the year, detailed review of all remaining open control numbers resulted in three (3) additional cases appropriate for closure in the second quarter. The number changed from 1 to 4.

\* Varies by 5% or more from target.

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Output Measures

2 # OF RATE CASES COMPLETED TELECOM

Prior Amount: 1.00

Prior YTD: 1.00

Prior Amount: 4.00

Prior YTD: 4.00

Prior Explanation of Update: Throughout the year, detailed review of all remaining open control numbers resulted in three (3) additional cases appropriate for closure in the second quarter.

Prior Amount: 4.00

Prior YTD: 4.00

Prior Explanation of Update: Throughout the year, detailed review of all remaining open control numbers resulted in three (3) additional cases appropriate for closure in the second quarter.

Prior Amount: 4.00

Prior YTD: 4.00

Prior Explanation of Update: Throughout the year, detailed review of all remaining open control numbers resulted in three (3) additional cases appropriate for closure in the second quarter.

\* Varies by 5% or more from target.

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**Output Measures**

2 # OF RATE CASES COMPLETED TELECOM

<b>Quarter 3</b>	6.00	4.00	8.00	133.33 % *	4.20 - 4.80
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Explanation of Variance: There were four rate cases completed for regulated telecommunications providers related to depreciation rates. This measure is difficult to project because the Commission has no control over the number of cases that may be filed by persons seeking necessary regulatory approvals.

Prior Amount: 4.00

Prior YTD: 5.00

Prior Amount: 4.00

Prior YTD: 8.00

Prior Amount: 4.00

Prior YTD: 8.00

Prior Explanation of Update: Data in this quarter correct.

<b>Quarter 4</b>	6.00	1.00	9.00	150.00 % *	5.70 - 6.30
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Explanation of Variance: There was one rate case completed in this quarter, relating to HB11 tax adjustments. This measure is difficult to project because the Commission has no control over the number of cases that may be filed by persons seeking necessary regulatory approvals.

Prior Amount: 1.00

Prior YTD: 9.00

2-1-1 PROVIDE FACTS ABOUT CHANGES

2 INFO REQUEST RESPONSES

\* Varies by 5% or more from target.



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<b>Output Measures</b>					
2 INFO REQUEST RESPONSES					
<b>Quarter 1</b>	130,000.00	22,465.00	22,465.00	17.28 % *	26,000.00 - 39,000.00
<u>Explanation of Variance:</u> This measure reports the number of information requests responded to by the Commission personnel that have contact with customers. Five separate divisions assume the responsibility of responding to the customer: the Customer Protection Division, Central Records, Library, Governmental Relations and the General Counsel's office. The Commission is posting more information on its website to encourage customers to find answers to their questions without the need to physically visit, call or write to the Commission.					
<b>Quarter 2</b>	130,000.00	17,830.00	40,295.00	31.00 % *	58,500.00 - 71,500.00
<u>Explanation of Variance:</u> This measure reports the number of information requests responded to by the Commission personnel that have contact with customers. Five separate divisions assume the responsibility of responding to the customer: the Customer Protection Division, Central Records, Library, Governmental Relations and the General Counsel's office. The Commission is posting more information on its website to encourage customers to find answers to their questions without the need to physically visit, call or write to the Commission.					
<b>Quarter 3</b>	130,000.00	21,314.00	61,609.00	47.39 % *	91,000.00 - 104,000.00
<u>Explanation of Variance:</u> This measure reports the number of information requests responded to by the Commission personnel that have contact with customers. Five separate divisions are primarily responsible for responding customers: the Customer Protection Division, Central Records, Library, Governmental Relations and the General Counsel's office. The Commission is posting more information on its website to encourage customers to find answers to their questions without the need to physically visit, call or write to the Commission.					
<b>Quarter 4</b>	130,000.00	20,290.00	81,899.00	63.00 % *	123,500.00 - 136,500.00
<u>Explanation of Variance:</u> This measure reports the number of information requests responded to by the Commission personnel that have contact with customers. Five separate divisions are primarily responsible for responding to customers: the Customer Protection Division, Central Records, Library, Government Relations and the General Counsel's office. The Commission is posting more information on its website to encourage customers to find answers to their questions without the need to physically visit, call or write to the Commission.					

2-2-1 INVESTIGATIONS AND ENFORCEMENT

\* Varies by 5% or more from target.

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<b>Output Measures</b>					
1 # OF EARNING REVIEWS					
<b>Quarter 1</b>	5.00	0.00	0.00	0.00 % *	4.75 - 5.25
<u>Explanation of Variance:</u> Detailed earnings reviews are conducted after the earnings reports are filed in May. Agency performance related to this measure will be reflected in the annual report.					
<b>Quarter 2</b>	5.00	0.00	0.00	0.00 % *	4.75 - 5.25
<u>Explanation of Variance:</u> Detailed earnings reviews are conducted after the earnings reports are filed in May. Agency performance related to this measure will be reflected in the annual report.					
<b>Quarter 3</b>	5.00	0.00	0.00	0.00 % *	4.75 - 5.25
<u>Explanation of Variance:</u> Detailed earnings reviews are conducted after the earnings reports are filed in May. Agency performance related to this measure will be reflected in the annual report.					
<b>Quarter 4</b>	5.00	5.00	5.00	100.00 %	4.75 - 5.25
2 # ENFORCEMENT INVESTIGTN CONDUCTED					

\* Varies by 5% or more from target.

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**Output Measures**

2 # ENFORCEMENT INVESTIGTN CONDUCTED

<b>Quarter 1</b>	140.00	11.00	11.00	7.86 % *	28.00 - 42.00
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Explanation of Variance: Of the ten investigations conducted, five were notice of violation (NOV) cases that resulted in settlement agreements, two were investigations of customer overcharges that resulted in settlement, two were investigations that resulted in license revocations, and one was an investigation that was withdrawn. The larger and more complex case ordered a retail electric provider (REP) to pay \$223,000 in administrative penalties involving disconnecting customers without authority to do so and without sending proper disconnection notices. Another case required two REPs to refund more than \$1 million to customers whose rates were improperly raised after one company sold its electric service contracts to another. The total number of investigations is expected to vary considerably from quarter to quarter because the number of investigations depends upon the degree to which market participants comply with laws and rules enforced by the Commission. Also, Staff has been focusing on performing fewer investigations based on significant violations rather than a larger number of investigations based on violations having less impact on customers and markets.

Explanation of Update: Staff corrected the closing dates it was using so the dates were consistent with the definition and recalculated each quarter's performance measures to conform to the approved procedures. The number changed from 10 to 11.

\* Varies by 5% or more from target.

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**Output Measures**

2 # ENFORCEMENT INVESTIGTN CONDUCTED

Prior Amount: 10.00

Prior YTD: 10.00

Prior Amount: 11.00

Prior YTD: 11.00

Prior Explanation of Update: Staff corrected the closing dates it was using so the dates were consistent with the definition and recalculated each quarter's performance measures to conform to the approved procedures.

Prior Amount: 11.00

Prior YTD: 11.00

Prior Explanation of Update: Staff corrected the closing dates it was using so the dates were consistent with the definition and recalculated each quarter's performance measures to conform to the approved procedures. The number changed from 10 to 11.

Prior Amount: 11.00

Prior YTD: 11.00

Prior Explanation of Update: Staff corrected the closing dates it was using so the dates were consistent with the definition and recalculated each quarter's performance measures to conform to the approved procedures.

\* Varies by 5% or more from target.

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**Output Measures**

2 # ENFORCEMENT INVESTIGTN CONDUCTED

<b>Quarter 2</b>	140.00	17.00	28.00	20.00 % *	63.00 - 77.00
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Explanation of Variance: Of the 17 investigations conducted, 12 were investigations of retail electric providers to determine if they were illegally discriminating against consumers using credit scores. In addition, one was an investigation that ultimately led to the issuance of a notice of violation concerning a power generation company that failed to provide responsive reserve service that resulted in an agreed settlement. The total number of investigations is expected to vary considerably from quarter to quarter because the number of investigations depends upon the degree to which market participants comply with laws and rules enforced by the Commission. Also, Staff has been focusing on performing fewer investigations based on significant violations rather than a larger number of investigations based on violations having less impact on customers and markets.

Prior Amount: 17.00

Prior YTD: 27.00

Prior Amount: 17.00

Prior YTD: 28.00

Prior Amount: 17.00

Prior YTD: 28.00

Prior Explanation of Update: Change in Explanation of Performance only.

\* Varies by 5% or more from target.

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**Output Measures**

2 # ENFORCEMENT INVESTIGTN CONDUCTED

<b>Quarter 3</b>	140.00	11.00	39.00	27.86 % *	98.00 - 112.00
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Explanation of Variance: Of the eight investigations conducted, six were investigations of electric market participants to determine if they failed to provide ancillary services to support reliability of the ERCOT electric grid. Five of those six cases led to agreed settlements, and one investigation was closed where no violation was found. Of the remaining two cases investigated: one involved issuance of a notice of violation concerning service quality of a transmission and distribution utility that resulted in an agreed settlement; and one led to an agreed settlement by a telecommunications utility for violations of the Texas no-call list. EXPLANATION OF VARIANCE: In FY07 to date, Staff has completed 35 investigations (25 percent of the FY2007 target). Staff has been focusing on performing fewer investigations based on significant violations rather than having a larger number of investigations based on violations having less impact on customers and markets.

Explanation of Update: Staff corrected the closing dates it was using so the dates were consistent with the definition and recalculated each quarter's performance measures to conform to the approved procedures. The number changed from 8 to 11.

Prior Amount: 8.00

Prior YTD: 35.00

Prior Amount: 11.00

Prior YTD: 39.00

Prior Explanation of Update: Staff corrected the closing dates it was using so the dates were consistent with the definition and recalculated each quarter's performance measures to conform to the approved procedures.

Prior Amount: 11.00

Prior YTD: 39.00

Prior Explanation of Update: Staff corrected the closing dates it was using so the dates were consistent with the definition and recalculated each quarter's performance measures to conform to the approved procedures.

\* Varies by 5% or more from target.

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**Output Measures**

2 # ENFORCEMENT INVESTIGTN CONDUCTED

<b>Quarter 4</b>	140.00	6.00	45.00	32.14 % *	133.00 - 147.00
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Explanation of Variance: Staff completed six investigations this quarter. Two were investigations of electric market participants to determine if they failed to provide ancillary services to support reliability of the ERCOT electric grid. Both of those investigations resulted in agreed settlements. The total number of investigations is expected to vary considerably from quarter to quarter because the number of investigations depends upon the degree to which market participants comply with laws and rules enforced by the Commission. Also, Staff has been focusing on performing fewer investigations based on significant violations rather than a larger number of investigations based on violations having less impact on customers and markets.

Prior Amount: 6.00

Prior YTD: 45.00

3 # OF COMPLAINTS CONCLUDED

<b>Quarter 1</b>	20,700.00	3,813.00	3,813.00	18.42 % *	4,140.00 - 6,210.00
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Explanation of Variance: As reflected in the definition of this measure, the investigation of a complaint is concluded when the Commission notifies the complainant with an explanation of the investigation and the final disposition of the complaint. The agency is processing complaints well within the goal of 30 days which is reflected in another measure EF 2-2-1.02. This measure is difficult to project because it is based totally on complaints filed by utility customers.

Prior Amount: 3,813.00

Prior YTD: 3,813.00

\* Varies by 5% or more from target.

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**Output Measures**

3 # OF COMPLAINTS CONCLUDED

<b>Quarter 2</b>	20,700.00	3,069.00	6,882.00	33.25 % *	9,315.00 - 11,385.00
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Explanation of Variance: As reflected in the definition of this measure, the investigation of a complaint is concluded when the Commission notifies the complainant with an explanation of the investigation and the final disposition of the complaint. The agency is processing complaints well within the goal of 30 days which is reflected in another measure EF 2-2-1.02. This measure is difficult to project because it is based totally on complaints filed by utility customers.

Prior Amount: 3,069.00

Prior YTD: 6,882.00

<b>Quarter 3</b>	20,700.00	4,029.00	10,911.00	52.71 % *	14,490.00 - 16,560.00
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Explanation of Variance: The increase in customer complaints for the third quarter is a result of consecutive estimated meter reads and billing issues. This measure is difficult to project because it is based totally on complaints filed by utility customers. All complaints filed with the Commission are being concluded within 30 days which is reflected in another measure EF 2-2-1.02.

Prior Amount: 4,029.00

Prior YTD: 10,911.00

<b>Quarter 4</b>	20,700.00	3,593.00	14,504.00	70.07 % *	19,665.00 - 21,735.00
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Explanation of Variance: The decrease in customer complaints for the fourth quarter is partly attributed to the efforts of the electric transmission and distribution companies to reduce consecutive estimated meter reads thereby reducing the number of billing complaints. The decrease in customer complaints is also attributed to lower than average temperatures that resulted in lower than usual bills and fewer complaints about rates. This measure is difficult to project because it is based totally on complaints filed by utility customers.

**Efficiency Measures**

1-1-1 MARKET COMPETITION

\* Varies by 5% or more from target.



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**Efficiency Measures**

1 AVERAGE DAYS/COA & SPCOA

<b>Quarter 1</b>	60.00	38.00	38.00	63.33 % *	57.00 - 63.00
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Explanation of Variance: The Commission processed 26 SPCOA applications and 1 COA application during the 1st quarter and all were completed in less than the 60 day statutory deadline which is extremely positive.

Prior Amount: 38.00

Prior YTD: 38.00

\* Varies by 5% or more from target.

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**Efficiency Measures**

1 AVERAGE DAYS/COA & SPCOA

<b>Quarter 2</b>	60.00	36.00	37.00	61.67 % *	57.00 - 63.00
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Explanation of Variance: The Commission processed 15 SPCOA applications during the 2nd quarter. All were completed in less than the 60-day statutory deadline. All but one case was processed in less than 40 days, 20 days below 60-day statutory deadline, which is extremely positive.

Explanation of Update: The end of year case closures revealed that one additional application was processed during the 2nd quarter raising the number to 16 SPCOA applications during the quarter; however, it did not change the number of days to process.

Prior Amount: 36.00

Prior YTD: 37.00

Prior Amount: 36.00

Prior YTD: 37.00

Prior Explanation of Update: The end of year case closures revealed that one additional application was processed during the 2nd quarter raising the number to 16 SPCOA applications during the quarter; however, it did not change the number of days to process.

Prior Amount: 36.00

Prior YTD: 37.00

Prior Explanation of Update: The end of year case closures revealed that one additional application was processed during the 2nd quarter raising the number to 16 SPCOA applications during the quarter; however, it did not change the number of days to process.

\* Varies by 5% or more from target.

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**Efficiency Measures**

1 AVERAGE DAYS/COA & SPCOA

<b>Quarter 3</b>	60.00	40.00	38.00	63.33 % *	57.00 - 63.00
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Explanation of Variance: The Commission processed 21 SPCOA applications during the 3rd quarter. All but one was completed in less than 60-days, which is the statutory deadline and is extremely positive. One was processed in 80 days because it involved contested issues.

Explanation of Update: The end of year case closures revealed that only 20 SPCOA applications were processed during the quarter. However, that change did not change the number of days to process.

Prior Amount: 40.00

Prior YTD: 38.00

Prior Amount: 40.00

Prior YTD: 38.00

<b>Quarter 4</b>	60.00	37.00	38.00	63.33 % *	57.00 - 63.00
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Explanation of Variance: The Commission processed 25 SPCOA applications and 4 COA applications during this quarter. All but one were completed in less than 60 days, which is the statutory deadline and is again extremely positive. One application was delayed due to the Applicant's request for delay in order to obtain name authorization from the Texas Secretary of State prior to Commission approval.

Prior Amount: 37.00

Prior YTD: 38.00

1-2-1 UTILITY REGULATION

1 AVG DAYS PROCESS RATE CASE FOR TDU

\* Varies by 5% or more from target.

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<b>Efficiency Measures</b>					
1 AVG DAYS PROCESS RATE CASE FOR TDU					
<b>Quarter 1</b>	220.00	240.00	240.00	109.09 % *	209.00 - 231.00
<u>Explanation of Variance:</u> This measure reflects the average number of days to complete major electric rate cases which include proceedings that may result in major adjustment of electric rates. The average of 240 days indicates the unpredictability of case filings and the complexity of each case. These factors make it very difficult to project average processing and may vary significantly each quarter. One case involved a petition by Commission Staff for a review of the rates of a major provider, and the other was a Court ordered remand proceeding regarding a Commission decision in the application of another major electric provider relating to unbundled cost of service rates.					
<b>Quarter 2</b>	220.00	0.00	240.00	109.09 % *	209.00 - 231.00
<u>Explanation of Variance:</u> This measure reflects the average number of days to complete major electric rate cases which include proceedings that may result in major adjustment of electric rates. There were no major rate cases for a transmission and distribution utility completed within the second quarter of fiscal year 2007.					
<b>Quarter 3</b>	220.00	237.00	239.00	108.64 % *	209.00 - 231.00
<u>Explanation of Variance:</u> This measure includes proceedings that may result in major adjustment of electric rates. One major electric rate case was processed during the 3rd quarter. This measure is difficult to project because the processing time for rate cases depends on the complexity of the issues in each case, which is highly variable.					
<b>Quarter 4</b>	220.00	436.00	318.00	144.55 % *	209.00 - 231.00
<u>Explanation of Variance:</u> This measure includes proceedings that may result in major adjustment of electric rates. Two major electric rate cases were processed during the 4th quarter taking 422 and 449 days respectively. One case was an application by Southwestern Public Service Company (SPS) for authority to change rates and the second case was an appeal by SPS of the denial of its application for authority to change rates that was filed with cities having original jurisdiction over SPS's rates. The cases were consolidated and referred to the State Office of Administrative Hearings (SOAH). After extensive litigation, the parties reached a unanimous settlement. This measure is difficult to project because the processing time for rate cases depends on the complexity of the issues in each case, which is highly variable.					

\* Varies by 5% or more from target.

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**Efficiency Measures**

2-1-1 PROVIDE FACTS ABOUT CHANGES

1 AVERAGE COST: INFO PRODUCT

<b>Quarter 1</b>	0.90	0.11	0.11	12.22 % *	0.86 - 0.95
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Explanation of Variance: The Commission continued to distribute most publications online, reducing overall cost. 77% of the 142,534 total info products distributed during the quarter were downloaded by visitors to one of the PUC's Websites.

Explanation of Update: Overall cost per info product distributed was reduced because the calculation was corrected to conform to the approved procedures.

Prior Amount: 0.11

Prior YTD: 0.11

Prior Explanation of Update: Overall cost per info product distributed was reduced because the calculation was corrected to conform to the approved procedures.

Prior Amount: 0.12

Prior YTD: 0.12

<b>Quarter 2</b>	0.90	0.08	0.10	10.56 % *	0.86 - 0.95
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Explanation of Variance: Staff costs for production of information products decreased slightly from last quarter. Downloads remained the principal vehicle for distribution (79% of 134,630 info products distributed).

Explanation of Update: Overall cost per info product distributed was reduced because the calculation was corrected to conform to the approved procedures.

Prior Amount: 0.11

Prior YTD: 0.12

\* Varies by 5% or more from target.

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**Efficiency Measures**

1 AVERAGE COST: INFO PRODUCT

<b>Quarter 3</b>	0.90	0.09	0.09	10.00 % *	0.86 - 0.95
------------------	------	------	------	-----------	-------------

Explanation of Variance: Overall cost per info product distributed was lower than projected because of increasing reliance on electronic media and increased numbers of products distributed.

Prior Amount: 0.09

Prior YTD: 0.09

<b>Quarter 4</b>	0.90	0.09	0.09	10.00 % *	0.86 - 0.95
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Explanation of Variance: Overall cost remained stable for the year, and was lower than projected because of continued reliance on electronic media for distributing products.

2-2-1 INVESTIGATIONS AND ENFORCEMENT

1 AVG COST/ENFORCEMENT INVESTIGTN

\* Varies by 5% or more from target.

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**Efficiency Measures**

1 AVG COST/ENFORCEMENT INVESTIGTN

<b>Quarter 1</b>	305.00	851.99	851.99	279.34 % *	289.75 - 320.25
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Explanation of Variance: The average cost per compliance investigation increased significantly this quarter due to increases in the complexity of investigations conducted. In the future, Staff expects to concentrate on fewer but more complex investigations which will increase this average cost; however, the resulting receipts of larger administrative penalties far outweigh the increase in average cost.

Explanation of Update: For each quarter, Staff recalculated which investigations closed for performance measure number OP 2-2-1.02 K, which in turn necessitated recalculation of this measure. Staff also recalculated the time spent on each investigation to ensure it was consistent with this performance measure's definition. The cost changed from \$2,537 to \$851.99.

Prior Amount: 851.99

Prior YTD: 851.99

Prior Explanation of Update: For each quarter, Staff recalculated which investigations closed for performance measure number OP 2-2-1.02 K, which in turn necessitated recalculation of this measure. Staff also recalculated the time spent on each investigation to ensure it was consistent with this performance measure's definition. The cost changed from \$2,537 to \$851.99.

Prior Amount: 2,537.00

Prior YTD: 2,537.00

\* Varies by 5% or more from target.

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**Efficiency Measures**

1 AVG COST/ENFORCEMENT INVESTIGTN

<b>Quarter 2</b>	305.00	546.49	666.51	218.53 % *	289.75 - 320.25
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Explanation of Variance: The average cost per compliance investigation decreased this quarter from the last quarter, because more cases were completed during the quarter than the previous quarter, which brings the average cost per case down.

Explanation of Update: For each quarter, Staff recalculated which investigations closed for performance measure number OP 2-2-1.02 K, which in turn necessitated recalculation of this measure. Staff also recalculated the time spent on each investigation to ensure it was consistent with this performance measure's definition. The cost changed from \$508.80 to \$546.49.

Prior Amount: 508.80

Prior YTD: 1,523.00

Prior Amount: 546.49

Prior YTD: 666.51

Prior Explanation of Update: For each quarter, Staff recalculated which investigations closed for performance measure number OP 2-2-1.02 K, which in turn necessitated recalculation of this measure. Staff also recalculated the time spent on each investigation to ensure it was consistent with this performance measure's definition. The cost changed from \$508.80 to \$546.49.

\* Varies by 5% or more from target.



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<b>Efficiency Measures</b>					
1 AVG COST/ENFORCEMENT INVESTIGTN					
<b>Quarter 3</b>	305.00	3,854.30	1,565.63	513.32 % *	289.75 - 320.25
<u>Explanation of Variance:</u> The average cost per investigation increased this quarter from the last quarter, because fewer more complex cases were completed during the quarter than the previous quarter, which pushes the average cost up. EXPLANATION OF VARIANCE: The average cost per investigation is significantly higher than the FY2007 Target. Staff has concentrated on fewer but more complex investigations which have increased the average cost per investigation.					
<u>Explanation of Update:</u> For each quarter, Staff recalculated which investigations closed for performance measure number OP 2-2-1.02 K, which in turn necessitated recalculation of this measure. Staff also recalculated the time spent on each investigation to ensure it was consistent with this performance measure's definition. The cost changed from \$2,753.02 to \$3,854.30.					
<u>Prior Amount:</u> 2,753.02					
<u>Prior YTD:</u> 1,601.25					
<b>Quarter 4</b>	305.00	1,464.34	1,552.12	508.89 % *	289.75 - 320.25
<u>Explanation of Variance:</u> The average cost per investigation increased this quarter from the last quarter, because fewer, more complex cases were completed during the quarter than the previous quarter. Staff has concentrated on fewer but more complex investigations which has increased the average cost per investigation.					
2 AVERAGE DAYS: CONCLUDE COMPLAINTS					
<b>Quarter 1</b>	30.00	26.00	26.00	86.67 % *	28.50 - 31.50
<u>Explanation of Variance:</u> The agency's performance for this measure is dependent, in part, on how quickly electric and telephone service providers respond to complaints that are forwarded to them by the Commission. The PUC continues to work with the service providers to improve their understanding of the process and to develop good working relationships. All complaints filed with the Commission and corrected by the service providers are current and have been concluded well within the 30 days.					

\* Varies by 5% or more from target.

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<b>Efficiency Measures</b>					
2 AVERAGE DAYS: CONCLUDE COMPLAINTS					
<b>Quarter 2</b>	30.00	24.00	25.00	83.33 % *	28.50 - 31.50
<u>Explanation of Variance:</u> The agency's performance for this measure is dependent, in part, on how quickly electric and telephone service providers respond to complaints that are forwarded to them by the Commission. The PUC continues to work with the service providers to improve their understanding of the process and to develop good working relationships. All complaints filed with the Commission are being concluded within the 30 days.					
<b>Quarter 3</b>	30.00	24.00	25.00	83.33 % *	28.50 - 31.50
<u>Explanation of Variance:</u> The PUC continues to work with new and existing service providers to improve their understanding of the process and to develop good working relationships. All complaints filed with the Commission are being concluded within 30 days.					
<b>Quarter 4</b>	30.00	19.00	23.00	76.67 % *	28.50 - 31.50
<u>Explanation of Variance:</u> The PUC continues to work with new and existing service providers to improve their understanding of the process and to develop good working relationships. All complaints filed with the Commission are being concluded within 30 days.					
<u>3-1-1 ENERGY ASSISTANCE</u>					
1 AVG # DAYS RETAIL PROVIDER REIMBUR					
<b>Quarter 1</b>	5.00	0.00	0.00	0.00 % *	4.75 - 5.25
<u>Explanation of Variance:</u> The Low Income Discount Program of the System Benefit Fund was not funded for FY 2007 and therefore there were no payments to Retail Electric Providers.					
<b>Quarter 2</b>	5.00	0.00	0.00	0.00 % *	4.75 - 5.25
<u>Explanation of Variance:</u> The Low Income Discount Program of the System Benefit Fund was not funded for FY 2007 and therefore there were no payments to Retail Electric Providers.					

\* Varies by 5% or more from target.

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**Efficiency Measures**

1 AVG # DAYS RETAIL PROVIDER REIMBUR

<b>Quarter 3</b>	5.00	0.00	0.00	0.00 % *	4.75 - 5.25
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Explanation of Variance: The Low Income Discount Program of the System Benefit Fund was not funded for FY 2007 as of 5/31/2007; therefore, there were no payments to Retail Electric Providers.

<b>Quarter 4</b>	5.00	1.44	1.44	28.80 % *	4.75 - 5.25
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Explanation of Variance: HB 15 appropriated \$30m for the discount electric program in FY 2007. The average number of days to reimburse the Retail Electric Providers is lower than the target of 5 days. Reimbursing the Retail Electric Providers in under the 5 day target is beneficial to the companies participating in this program.

\* Varies by 5% or more from target.

**ACTUAL PERFORMANCE FOR EXPLANATORY MEASURES  
473 - PUBLIC UTILITY COMM  
FISCAL YEAR 2007  
10/5/2007**

**Actual Performance for Explanatory Measures with Updates**  
 79th Regular Session, Performance Reporting  
 Automated Budget and Evaluation System of Texas (ABEST)

DATE: **10/5/2007**  
 TIME: **5:18:44PM**  
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Agency code: **473**

Agency name: **PUBLIC UTILITY COMM**

<u>Type/Strategy/Measure</u>	<b>2007 Target</b>	<b>2007 YTD</b>	<b>Percent of Annual Target</b>	<b>Target Range</b>
<b>Explanatory/Input Measures</b>				
<u>2-1-1 PROVIDE FACTS ABOUT CHANGES</u>				
1 # OF CALLS: RELAY TEXAS				
<b>Quarter 1</b>	5,090,000.00	1,855,506.00	36.45 % *	4,835,500.00 - 5,344,500.00

Explanation of Variance: The projected call volume was not achieved due to the explosive growth of alternatives to Relay Texas which are available, such as Video Relay Service (VRS) and Internet Relay (IP Relay). Neither of these relay services were expected to have the impact that it did.

\* Varies by 5% or more from target.