

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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**Internet:** <http://www.puc.state.tx.us>  
**Public Utility Commission of Texas, P.O. Box 13326, Austin, TX 78711-3326**

**■ Weekly Agenda: February 16-20, 2009**

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**Monday 2/16/09**

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Agency Closed

**President's  
Day**

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**Tuesday 2/17/09**

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9:30 a.m.  
**CHR, 7-100  
7th Floor, Travis Bldg.**

**Workshop**

**AMIT (Christine Wright)**

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**Friday 2/20/09**

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9:00 a.m.  
**CHR, 7-100  
7th Floor, Travis Bldg.**

**Open Meeting**

**See Open Meeting Agenda**

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**■ Open Meeting Agenda: February 20, 2009**

**ELECTRIC**

1. Project No. 35768 - PUC Rulemaking Relating to Retail Electric Provider Disclosures to Customers. (Proposal for Adoption) Mick Long, Shawnee Claiborne-Pinto

**ADMINISTRATIVE**

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

3. Adjournment for closed session to consider:

- a. litigation matters, pursuant to Tex. Gov't Code § 551.071(a)(1), regarding pending or contemplated litigation, including but not limited to:

AEP Texas Central Company and Cities of Corpus Christi, et al. v. PUC, No. 13-06-00311, in the 13th Court of Appeals. (Appeal of Docket No. 27035)

AEP Texas Central Company v. PUC, D-1-GN-07-001153, Travis County District Court; Steering Committee of Cities v. PUC, D-1-GN-07-001144, Travis County District Court. (Appeal of Docket No. 32758)

AEP Texas Central Company v. PUC, No. 08-0634, Texas Supreme Court. (Appeal of Docket No. 31056)

AEP Texas North Co. v. Public Utility Commission, No. GN5-02614, Travis County District Court. (Appeal of Docket No. 29703)

AEP Texas North Co. v. Public Utility Commission of Texas, No. 03-05-00644-CV, in the Third Court of Appeals. (Appeal of Docket No. 26000)

Cap Rock Energy Corp. and Pioneer Natural Resources USA, Inc. v. Public Util. Comm'n, No. 03-07-00730-CV, in the Third Court of Appeals. (Appeal of Docket No. 28813)

CenterPoint Energy Houston Electric & Texas Genco v. PUC, et al., Cause No. 08-0421, Texas Supreme Courts. (Appeal of Docket No. 29526)

Cities of Beaumont, Conroe, Groves, Nederland, Pine Forest, Port Neches, Rose City, and Silsbee v. PUC, Cause No. D-1-GV-08-000003, Travis County District Court. (Appeals of Docket No. 32710)

Cities of Corpus Christi, et al. v. Public Utility Commission, No. D-1-GV-06-000973, 201st Judicial District, Travis County District Court. (Appeal of Docket No. 31433)

Cities of Corpus, et al. v. PUC, D-1-GN-08001522, Travis County District Court. (Appeal of Docket No. 33309)

Cities of Dickinson *et al.* v. PUC, D-1-GN-07-000116, Travis County District Court (Appeal of Docket 31994)

Cities of Dickinson, Friendswood, La Marque, League City, Lewisville, and Texas City v. PUC, 03-08-00492-CV, Third Court of Appeals. (Appeal of Docket No. 33106)

City of Bryan v. PUC, D-1-GV-08-002325, Travis County District Court (Appeal of 35011)

City of El Paso and El Paso Electric Company v. Public Util. Comm'n. 03-08-00577, in the Third Court of Appeals. (Appeals of Docket No. 26194)

City of University Park v. PUC, Cause No. 03-08-00692-CV, in the Third Court of Appeals. (Appeal of Docket No. 33742)

Coastal Habitat Alliance v. Jerry Patterson in his official capacity as Commissioner of the Texas General Land Office, and Chairman Barry Smitherman and Julie Caruthers Parsley and Paul Hudson, each in their official capacity as Commissioners of the PUC, and Texas Gulf Wind LLC wholly owned by Babcock & Brown Renewable Holdings, Inc., No. A-07-CA-985-YL, U.S. District Court for the Western District of Texas, Austin Division. (Docket No. 34298)

Coastal Habitat Alliance v. PUC, Barry Smitherman, Chairman, Paul Hudson, Commissioner, and Julie C. Parsley, Commissioner, No. 03-08-00205-CV, in the Third Court of Appeals. (Appeal of Docket No. 34298)

Constellation Energy v. PUC, D-1-GN-08-001522, Travis County District Court (Appeal of Docket 33500)

FERC Docket No. ER07-956-000, Entergy Services, Inc.

FERC Docket ER07-682-002, Entergy Services, Inc.

FERC Docket EL08-80, Oklahoma Corporation Commission.

FERC Docket No. EC09-032, Exelon Corporation.

In the Matter of ASAP Paging for Preemption of PUC Concerning Retail Rating of Local Calls to CMRS Carriers, FCC DA-04-92; WC 04-6 (Docket No. 25673)

In the Matter of Petition of Alenco Communications, Inc., Big Bend Telephone Company, Dell Telephone Cooperative, Inc., Riviera Telephone Company, Valley Telephone Cooperative, Inc., Texas Statewide Telephone Cooperative, Inc., and Texas Telephone Association for a Declaratory Ruling and for Preemption, CC Docket No. 96-45, Federal Communications Commission.

In the Matter of Review of Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers, CC Docket No. 01-338, Federal Communications Commission.

In the matter of Sprint Spectrum, L.P. Petition for Declaratory Ruling that the Kansas Corporation Commission's October 2, 2006 Order in Docket 06-GMIT-446-GIT, WC Docket Nos. 03-109, 07-138, Federal Communications Commission.

Lamb County Elec. Coop., Inc. v. Public Util. Comm'n, No. 08-1065, Texas Supreme Court. (Appeal of Docket No. 24229)

McCullough v. Public Util. Comm'n, No. 13-07-00624-CV, Court of Appeals for the Thirteenth District of Texas. (Appeal of Docket No. 29415)

Mobberley Road & 285 Partners, Ltd., BVJV Wataugua, L.P., and Duck Point Partners, Ltd. v. PUC, D-1-GN-08-000982, Travis County District Court (Appeal of 32871)

Nucor Steel v. PUC, Oncor Electric Delivery Co. and Texas Energy Future Holdings Limited Partnership, Travis County District Court, D-1-GN-08-002467. (Appeal of Docket No. 34077)

Office of Public Utility Counsel v. PUC, Cause No. 03-08-00698-CV. Third Court of Appeals. (Appeals of Docket No. 32795)

Pioneer Natural Resources USA, Inc. v. Public Util. Comm'n, No. D-1-GN-06-003805, 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. 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: February 10, 2009 Open Meeting**

Item No.	Docket/ Project No.	Kind of Action	Decision
1.	36262	Preliminary Order	Approved on consent.
2.	31958	Proposal for Publication	Approved on consent.
3.		Telecom Issues	Not taken up.
4.		Customer Service	Not taken up.
5.		Emergency Management	Not taken up.
6.	26793	Discussion	Not taken up.
7.	23100	Discussion	Not taken up.
8.	31600	Discussion and possible action	Not taken up.
9.	33687	Discussion and possible action	Discussion - no action.
10.	35269	Motion for Rehearing	Discussion - no action.
11.	32707	Remand Proposal for Decision	Approved as amended.
12.	35665	Discussion and possible action	Discussion - no action. Will take up at the next open meeting.
13.	36412	Discussion and possible action	Not taken up.
14.	35950	Motion for Rehearing	Granted Motion for Rehearing.
15.	36392	Final Order	Approved on consent.
16.	36359	Final Order	Approved on consent.
17.	35767	Discussion and possible action	Discussion - no action. Will take up at the next open meeting.
18.	35769	Discussion	Not taken up.
19.	20970	Discussion	Not taken up.
20.	23578	Discussion and possible	Not taken up.

		action	
21.		Electric Reliability	Not taken up.
22.		Customer Service	Not taken up.
23.		Emergency Management	Not taken up.
24.		Budget Matters	Not taken up.
25.		Closed Session	Discussion - no action.

**■ New Filings: 36669-36695**

Control No	Item Type	Party	Description	Date Filed
<u>36669</u>	PLDS	VALOR TELECOMMUNICATIONS OF TEXAS, LLP	JOINT APPLICATION OF VALOR TELECOMMUNICATIONS OF TEXAS, LP dba WINDSTREAM COMMUNICATIONS SOUTHWEST AND MCI METRO ACCESS TRANSMISSION SERVICES LLC FOR APPROVAL OF AN AMENDMENT TO THE INTERCONNECTION AGREEMENT UNDER PURA AND THE TELECOMMUNICATIONS ACT OF 1996	2/5/2009
<u>36670</u>	PLDS	WINDSTREAM SUGAR LAND, INC.	JOINT APPLICATION OF WINDSTREAM SUGARLAND, INC. AND MCI METRO ACCESS TRANSMISSION SERVICES LLC FOR APPROVAL OF AN AMENDMENT TO THE INTERCONNECTION AGREEMENT UNDER PURA AND THE TELECOMMUNICATIONS ACT OF 1996	2/5/2009
<u>36671</u>	T	GUADALUPE VALLEY TELEPHONE COOPERATIVE, INC.	INFORMATIONAL NOTICE OF GUADALUPE VALLEY TELEPHONE COOPERATIVE, INC. FOR INTRODUCTION OF NEW SERVICES AND PACKAGES OFFERING, PURSUANT TO SUBST. R. §26.228	2/5/2009
<u>36672</u>	PRJ	SUNRAY WIND, LLC	APPLICATION OF SUNRAY WIND, LLC FOR RENEWABLE NERGY CREDIT GENERATORS CERTIFICATION, PURSUANT TO SUBST. R. §25.109	2/6/2009
<u>36673</u>	PLDS	MEDINA ELECTRIC COOPERATIVE, INC.	JOINT APPLICATION OF MEDINA ELECTRIC COOPERATIVE, INC. AND AEP TEXAS CENTRAL COMPANY TO AMEND A CERTIFICATE OF CONVENIENCE AND NECESSITY FOR A SERVICE AREA IN ZAPATA COUNTY	2/6/2009
<u>36674</u>	PLDS	OCTOBER'S SON LP	COMPLAINT OF OCTOBER'S SON LP AGAINST TXU	2/6/2009

<u>36675</u>	T	CENTRAL TELEPHONE COMPANY OF TEXAS DBA EMBARQ	INFORMATIONAL NOTICE OF CENTRAL TELEPHONE COMPANY OF TEXAS dba EMBARQ FOR NON-BASIC SERVICES, REVISION TO TWO EXISTING PROMOTIONAL OFFERINGS	2/6/2009
<u>36676</u>	T	UNITED TELEPHONE COMPANY OF TEXAS, INC. DBA EMBARQ	INFORMATIONAL NOTICE OF UNITED TELEPHONE COMPANY OF TEXAS dba EMBARQ FOR NON-BASIC SERVICES, REVISION TO TWO EXISTING PROMOTIONAL OFFERINGS	2/6/2009
<u>36677</u>	PLDS	EAST TEXAS ELECTRIC COOPERATIVE, INC.	EAST TEXAS ELECTRIC COOPERATIVE, INC. REQUEST FOR A DOCKET NO. STYLE: APPLICATION OF EAST TEXAS ELECTRIC COOPERATIVE, INC TO AMEND ITS CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) FOR A PROPOSED LAKE LIVINGSTON TO RICH 138-KV TRANSMISSION LINE IN POLK AND SAN JACINTO COUNTIES, TEXAS	2/6/2009
<u>36678</u>	PRJ	FRIENDSHIP CABLE OF TEXAS, INC.	SICFA Amended Application Cert No 90023 to expand service area	2/9/2009
<u>36679</u>	PRJ	G2 ENERGY (TRINITY OAKS) LLC	APPLICATION OF G2 ENERGY (TRINITY OAKS) LLC FOR RENEWABLE ENERGY CREDIT GENERATORS, PURSUANT TO SUBST. R. §25.109	2/9/2009
<u>36680</u>	PRJ	G2 ENERGY (TRINITY OAKS) LLC	APPLICATION OF G2 ENERGY (TRINITY OAKS) LLC FOR REGISTRATION OF POWER GENERATION COMPANIES AND SELF-GENERATORS PURSUANT TO SUBST. R. §25.109	2/9/2009
<u>36681</u>	PRJ	TEXAS ELECTRICITY AGGREGATION, INC.	APPLICATION OF TEXAS ELECTRICITY AGGREGATION, INC. FOR AGGREGATOR REGISTRATION, PURSUANT TO SUBST. R. §25.111	2/9/2009
<u>36682</u>	PLDS	TRUE ELECTRIC, LLC	APPLICATION OF TRUE ELECTRIC, LLC FOR RETAIL ELECTRIC PROVIDER (REP) CERTIFICATION, PURSUANT TO SUBST. R. §25.107	2/9/2009
<u>36683</u>	PLDS	PUC COMPETITIVE MARKETS	CONTROL NUMBER REQUEST FORM RE: RULEMAKING RELATED TO THE REVISION OF P.U.C. SUBST. R. §26.417, §26.418, §26.419 RELATING TO ETPS RESALE ETP'S, AND ETC'S.	2/9/2009
<u>36683</u>	PRJ	OPUC	INTENDS TO PARTICIPATE	2/11/2009



<u>36684</u>	PLDS	VERIZON SOUTHWEST	VERIZON SOUTHWEST NOTICE OF INTENT TO FILE LONG RUN INCREMENTAL COST STUDY (LRIC) FOR OPERATOR ASSISTANCE AND OPERATOR RINGBACK, PURSUANT TO PUC SUBST. R. §26.215	2/9/2009
<u>36685</u>	PLDS	10K ENERGY LLC	APPLICATION OF 10K ENERGY LLC FOR RETAIL ELECTRIC PROVIDER (REP) CERTIFICATION, PURSUANT TO SUBST. R. §25.107	2/9/2009
<u>36686</u>	PLDS	LCRA	LCRA TRANSMISSION SERVICES CORPORATION REQUESTS FOR A DOCKET NUMBER FOR: APPLICATION OF LCRA TRANSMISSION SERVICES CORPORATION TO AMEND ITS CERTIFICATE OF CONVENIENCE AND NECESSITY FOR THE NORTH MCCAMEY TO MCCAMEY B TO WEST YATES 138-KV TRANSMISSION LINE IN UPTON, CROCKETT, AND PECOS COUNTIES	2/9/2009
<u>36687</u>	PLDS	OHIO FIRST COMMUNICATIONS, LLC	APPLICATION OF OHIO FIRST COMMUNICATIONS, LLC TO AMEND ITS SERVICE PROVIDER CERTIFICATE OF OPERATING AUTHORITY	2/11/2009
<u>36688</u>	PLDS	GLOBALCOM, INC.	APPLICATION OF GLOBALCOM, INC. TO AMEND ITS SERVICE PROVIDER CERTIFICATE OF OPERATING AUTHORITY	2/11/2009
<u>36689</u>	PRJ	PUC COMPETITIVE MARKETS DIVISION	CONTROL NUMBER REQUEST FORM RE: CALENDAR YEAR 2008 ENERGY EFFICIENCY REPORTS PURSUANT TO SUBST. R. §25.181(g)(1) AND (5) AND SUBST. R. §25.181(d)	2/11/2009
<u>36690</u>	PLDS	VOICEPAQ PREPAID, LLC	PETITION OF VOICEPAQ PREPAID, LLC FOR RESALE ELIGIBLE TELECOMMUNICATIONS (ETP) PROVIDER DESIGNATION	2/11/2009
<u>36691</u>	PRJ	ETAN INDUSTRIES, INC.	APPLICATION OF ETAN INDUSTRIES, INC. dba CMA COMMUNICATIONS TO AMEND ITS STATE-ISSUED CERTIFICATE OF FRANCHISE AUTHORITY (SICFA)	2/11/2009
<u>36692</u>	PRJ	TEXAS STATE TECHNICAL COLLEGE WEST TEXAS	APPLICATION OF TEXAS STATE TECHNICAL COLLEGE WEST TEXAS FOR RENEWABLE ENERGY CREDIT GENERATORS (REC) REGISTRATION, PURSUANT TO SUBST. R. §25.109	2/12/2009
<u>36693</u>	PRJ	TEXAS STATE TECHNICAL COLLEGE WEST TEXAS	APPLICATION OF TEXAS STATE TECHNICAL COLLEGE WEST TEXAS FOR POWER GENERATION COMPANIES (PGC) REGISTRATION , PURSUANT TO SUBST. R. §25.109	2/12/2009

<u>36694</u>	PRJ	JAHA-OPIR	APPLICATION OF JAHA-OPHIR FOR POWER GENERATION COMPANIES (PGC) REGISTRATION, PURSUANT TO SUBST. R. §25.109	2/12/2009
<u>36695</u>	PLDS	STELERA WIRELESS, LLC	NOTIFICATION OF STELERA WIRELESS, LLC REQUESTING 90 DAYS EXTENSION FOR CODE ACTIVATION FOR THE NPA-NXX CODE OF 830-417	2/12/2009