



Control Number: 41533



Item Number: 1

Addendum StartPage: 0

PUC DOCKET NO. 41533

NON-STANDARD TRUE-UP FILING  
OF AEP TEXAS CENTRAL  
COMPANY PURSUANT TO THE  
FINANCING ORDER IN DOCKET  
NO. 32475

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PUBLIC UTILITY COMMISSION

OF  
TEXAS

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**PETITION**

**MAY 30, 2013**

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PUC DOCKET NO. 41533

NON-STANDARD TRUE-UP FILING	§	PUBLIC UTILITY COMMISSION
OF AEP TEXAS CENTRAL	§	
COMPANY PURSUANT TO THE	§	OF
FINANCING ORDER IN DOCKET	§	TEXAS
NO. 32475	§	

**PETITION**

AEP Texas Central Company (TCC or Company) is making this Non-standard True-up Filing as the servicer of Transition Bonds issued pursuant to the Financing Order by the Public Utility Commission of Texas (PUC, PUCT or Commission) in Docket No. 32475, *Application of AEP Texas Central Company for A Financing Order* (June 21, 2006). TCC makes this filing on its own behalf, and on behalf of any successor servicers, which may include any successors and assigns that on a future date provide transmission and distribution service directly to customers taking service at facilities, premises or loads located within TCC's service area.

**I. Business Address**

TCC's business address and telephone number are:

539 North Carancahua Street  
Corpus Christi, Texas 78401  
Telephone: (361) 881-5387  
Facsimile: (361) 881-5600

**II. Authorized Representatives**

TCC's authorized representative for service of all pleadings and other documents is:

Steven Beaty  
Regulatory Consultant  
American Electric Power Service Corporation  
400 West 15<sup>th</sup> Street, Suite 1520  
Austin, Texas 78701  
Telephone: (512) 481-4550  
Facsimile: (512) 481-4591  
e-mail: [sjbeaty@aep.com](mailto:sjbeaty@aep.com)

TCC's authorized legal representative is:

Rhonda Colbert Ryan  
American Electric Power Service Corporation  
400 West 15<sup>th</sup> Street, Suite 1520  
Austin, Texas 78701  
Telephone: (512) 481-3321  
Facsimile: (512) 481-4591  
e-mail: rcryan@aep.com

### **III. Jurisdiction**

TCC is an electric utility, as Public Utility Regulatory Act<sup>1</sup> §31.002(a) defines that term, and TCC or its successor wires company is the servicer of the Transition Bonds issued pursuant to the Financing Order in Docket No. 32475 (the Financing Order). Further, the Commission has jurisdiction over the Company's Non-standard True-up Filing pursuant to Sections 39.003 and 39.307 of PURA. This filing is made in compliance with Findings of Fact 95-97 and Ordering Paragraph 12 of the Financing Order. The Non-standard True-up will affect amounts billed for energy consumption and demand of retail customers taking retail transmission and/or distribution service from the Company and its successor wires company and to the facilities, premises and loads of such retail customers.

### **IV. Background**

On June 21, 2006, the Commission approved the Financing Order, which authorized the issuance of Transition Bonds in an amount not to exceed \$1,696,620,385, and the recovery of costs associated with such bonds. TCC issued Transition Bonds pursuant to the Financing Order on October 11, 2006, and began billing transition charges (TC-2s) on October 12, 2006.

The Financing Order provides that retail electric customers must pay the principal, interest and related costs of the Transition Bonds through TC-2s, pursuant to the form of tariff approved in the Financing Order. The Financing Order establishes how the annual costs permitted to be recovered through TC-2 rates are allocated among TC-2 customer classes. In Findings of Fact 95-97, the Financing Order also sets out a procedure for

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<sup>1</sup> TEX. UTIL. CODE ANN. §§ 11.001 – 64.158 (VERNON 1998 AND SUPP. 2011) (PURA).

adjusting the TC-2 rates to each customer class if the forecasted billing determinants for any one of the classes for an upcoming period decrease by more than 10 percent compared to the threshold billing determinants established for the annual period ending August 31, 2005. This procedure is called the Non-standard True-up. The billing determinants for the year 8 billing period (September 2013 – August 2014) for the Commercial and Small Industrial-Energy (“Commercial Energy”) TC-2 class are forecasted to decrease by more than 10 percent compared to threshold billing determinants. Therefore, TCC proposes that the TC-2 rates to be applied during 2013 and 2014 be adjusted pursuant to the Non-standard True-up provision of the Financing Order.

This filing is being made to comply with the procedures in the Financing Order for making a Non-standard True-up that, among other things, require that this filing be made 90 days in advance of the proposed effective date of the Non-standard True-up. This filing is being made 90 days prior to the first billing cycle for September 2013 so that the TC-2 rates applied to the various retail customer classes will reflect the allocation contemplated by the Non-standard True-up provisions of the Financing Order.

#### **V. Required Showing**

Finding of Fact 97 in the Financing Order requires TCC to make the Non-standard True-up filing at least 90 days before the proposed true-up adjustment is to take effect. TCC proposes that the adjustment be effective for bills rendered beginning on August 28, 2013, which is the date upon which the bills for the first cycle for the month of September 2013 will be rendered.

The proposed transition charge rates are set out in proposed revised Rider 6.1.1.2.2.1, Initial/Adjusted Transition Charge Rates – Rider TC-2, which is attached hereto as Appendix A, and application of those rates is also governed by Rate Schedule 6.1.1.2.2, Transition Charge Rates – Schedule TC-2, which is unchanged. Calculation of the TC-2 rates is addressed in the testimony of Ms. Shawwna G. Jones attached hereto as Appendix B.

The justification for applying the Non-standard True-up is that the Commercial Energy TC-2 class is demonstrating lower than forecasted kWh usage. The projected consumption for the Commercial Energy TC-2 class is 2,237,500,869 kWh, which is lower

than the 90% threshold of 2,641,657,543 kWh in the Financing Order in Docket No. 32475. In her testimony, Ms. Jones identifies three factors influencing this lower usage. The first factor is that a large portion of the customers in this class were existing customers prior to unbundling who were receiving service under energy-only tariff schedules. These customers were assigned to the Commercial Energy TC-2 class and were frozen from moving out of the class; however, these are typically older accounts and many have either terminated service completely, have been demolished and have been replaced by new more modern loads, or have simply just reduced their consumption, probably affected by the current economic conditions. The second factor is that the remaining customers comprising this class are new customers taking service under the current Secondary Voltage Service  $\leq 10$  kW. As the open Texas market has evolved, customers taking service under this tariff schedule may not demonstrate as high a kWh consumption pattern as the old accounts that have terminated. A final and significant factor is that the Commission's new pro-forma tariff schedules define the limit at 10 kW for new customers in the determination if the customers should be billed on an energy-only based tariff schedule or a demand-based tariff schedule. Prior to deregulation, it was the customer's usage characteristics rather than demand that determined the type of tariff schedule that was most appropriate for the customer. Now, under the new pro-forma tariffs, new customers tend to qualify for service on the Secondary Voltage Service  $> 10$  kW distribution rate class. New Secondary Voltage Service  $> 10$  kW distribution rate class customers are assigned the Commercial and Small Industrial-Demand TC-2 rate, which uses the customer's demands for billing purposes. No new Secondary Voltage Service  $> 10$  kW distribution rate class customers are allowed to be billed on the Commercial Energy TC-2 class charges.

Additional support for the filing is contained in the testimony of Ms. Jones. For convenience, Appendix C contains the referenced Findings of Fact and Ordering Paragraph from the Financing Order.

## **VI. Scope of Proceeding, Procedural Schedule**

Finding of Fact 95 of the Financing Order states that the scope of the proceeding is limited to determining whether the proposed adjustment complies with the Financing Order. That finding also directs the Commission to conduct a contested case proceeding pursuant to PURA §39.003. Since this proceeding is limited in scope and is intended to be resolved in 90 days, TCC proposes that a schedule be established similar to that required for fuel factor change proceedings which must be concluded within 90 days under Commission rules and that the schedule allow for the possibility of informal disposition pursuant to Commission Proc. R. 22.35. This procedure was proposed in Docket No. 24775, *Non-Standard True-up Filing of AEP Texas Central Company Pursuant to the Financing Order in Docket No. 21528* (December 17, 2001) and has been used in all of TCC's subsequent Non-standard True-up filings. Specifically, TCC requests that a procedural schedule be established which will enable the Commission to issue its order in this proceeding within 60 days after the date of this petition if no hearing is requested within 30 days, and within 90 days after the date of this petition if a hearing is requested within 30 days of the filing of the petition, such hearing to be held no earlier than the first business day after the 45<sup>th</sup> day following filing of the petition.

## **VII. Notice**

TCC is notifying the parties to Docket No. 32475 of this filing by providing them with a copy of the notice set out in Appendix D. TCC will also provide a copy of this filing to the Commission Staff and Office of Public Utility Counsel, and to other parties upon request. In addition, TCC proposes that notice in the form set out in Appendix D be provided to all REPs who have been certified by the Commission to provide retail electric service in TCC's service area, and to municipalities and cooperatives who serve customers in areas of dual certification with TCC.

### **VIII. Protective Order**

TCC proposes that the proposed Protective Order attached hereto in Appendix E be issued in this proceeding. This proposed Protective Order is identical to that issued in Docket No. 24775, TCC's initial Non-standard True-up Proceeding, and in all subsequent TCC Non-standard True-up proceedings.

### **IX. Requested Relief**

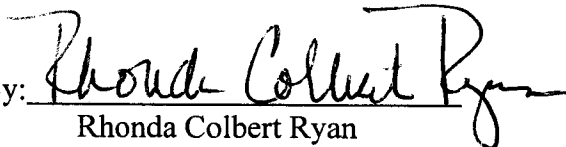
With the exception of the rates, the tariff set out in Appendix A has been approved by the Commission. TCC requests the Commission to approve the TC-2 rates set out in Rider 6.1.1.2.2.1 Initial/Adjusted Transition Charge Rates – Rider TC-2. TCC anticipates that effective with the first billing cycle for September 2013, the tariff in this filing will supersede the tariff approved in Docket No. 40444.

TCC also requests (1) that a procedural schedule be established leading to Commission approval of the requested rates within 60 or 90 days, depending on whether a hearing is requested, (2) that the notice proposed by the Company be approved as to form, content and proposed distribution, (3) the requested Protective Order be issued, (4) that the tariff attached as Appendix A be approved, and (5) that TCC be granted such other relief to which the Commission deems TCC to be entitled.

Dated: May 30, 2013.

RESPECTFULLY SUBMITTED,

AEP Texas Central Company  
400 West 15<sup>th</sup> Street, Suite 1520  
Austin, Texas 78701  
Rhonda Colbert Ryan  
State Bar No. 17478800  
Telephone: (512) 481-3321  
Facsimile: (512) 481-4591

By:   
Rhonda Colbert Ryan



**AEP TEXAS CENTRAL COMPANY  
TARIFF FOR ELECTRIC DELIVERY SERVICE**

**APPENDIX A**

**Page 1 of 2**

Applicable: Entire System

Chapter: 6 Section: 6.1.1

Section Title: Delivery System Charges

Revision: Eleventh

Effective Date: August 28, 2013 |T

**6.1.1.2.2.1 Initial / Adjusted Transition Charge-2 Rates – Rider TC-2**

**AVAILABILITY**

This schedule is applicable to energy consumption and demands of retail customers taking service from the Company during the term that this schedule is in effect, and to the facilities, premises, and loads of all other retail customers obligated to pay TC-2 Charges as provided in Rate Schedule TC-2, Section 6.1.1.2.2.1. Terms defined in Rate Schedule TC-2 that are used herein shall have the same meaning as set forth in Rate Schedule TC-2.

**RATE CLASSES**

For purposes of billing Initial/Adjusted Transition Charge-2 Rates (TC-2 Rates), each retail end-use customer will be designated as a customer belonging to one of eight classes as identified and defined by Rate Schedule TC-2.

**TRANSITION CHARGE-2 RATES**

The Initial/Adjusted TC-2 Rates shall be determined in accordance with and are subject to the provisions set forth in Rate Schedule TC-2. Not less than 15 days prior to the first billing cycle for the Company's September billing month and no less frequently than annually thereafter, the Company or successor Servicer will file a Revision to Rider TC-2 setting forth the Adjusted TC-2 Rates to be effective for the upcoming period. If made as a result of the annual true-up adjustment in Rate Schedule TC-2, the Adjusted TC-2 Rates will become effective on the first billing cycle of the Company's September billing month. If an interim true up adjustment is made pursuant to Rate Schedule TC-2, the Adjusted TC-2 Rates will become effective on the first billing cycle of the Company's billing month that is not less than 15 days following the making of the interim true-up adjustment filing. If a Non-Standard True-Up filing pursuant to Rate Schedule TC-2 is made to revise the Rider TC-2, the filing will be made at least 90 days prior to the first billing cycle for the Company's September billing month.

**AEP TEXAS CENTRAL COMPANY  
TARIFF FOR ELECTRIC DELIVERY SERVICE**

**APPENDIX A**

Applicable: Entire System

Page 2 of 2

Chapter: 6 Section: 6.1.1

Section Title: Delivery System Charges

Revision: Eleventh

Effective Date: August 28, 2013 |T

**6.1.1.2.2.1 Initial / Adjusted Transition Charge-2 Rates – Rider TC-2**

<b><u>Transition Charge-2 Customer Class</u></b>	<b><u>Initial/Adjusted TC-2 Rates</u></b>	
Residential	\$ .007976 per kWh	I
Commercial and Small Industrial – Energy	\$ .015567 per kWh	R
Commercial and Small Industrial – Demand	\$ 2.320791 per kW or kVa	I
Large Industrial – Firm	\$ 1.258871 per kW or kVa	R
Large Industrial – Non-Firm	\$ 1.986337 per kW or kVa	I
Standby – Firm	\$ .172197 per Daily kW or kVa	R
Standby – Non-Firm	\$ .233650 per Daily kW or kVa	R
Municipal and Cotton Gin	\$ .010448 per kWh	R

The Initial/Adjusted TC-2 Rates are multiplied by the kWh, kW or kVa, as applicable, read, estimated or determined during the billing month and will be applied to bills rendered on and after the effective date.

PUC DOCKET NO. \_\_\_\_\_  
PUBLIC UTILITY COMMISSION OF TEXAS

NON-STANDARD TRUE-UP FILING  
OF  
AEP TEXAS CENTRAL COMPANY  
PURSUANT TO THE FINANCING ORDER  
IN DOCKET NO. 32475

DIRECT TESTIMONY OF  
SHAWNNA G. JONES  
FOR  
AEP TEXAS CENTRAL COMPANY

MAY 30, 2013

TESTIMONY INDEX

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EXHIBITS

EXHIBIT SGJ-1	Calculation of the TC-2s
EXHIBIT SGJ-2	Rate Comparison
EXHIBIT SGJ-3	Transition Charge Rates (Rider TC-2)

I. INTRODUCTION

1  
2 Q. PLEASE STATE YOUR NAME, POSITION AND BUSINESS ADDRESS.

3 A. My name is Shawna G. Jones. I am employed as a Regulatory Consultant in the  
4 Regulated Pricing and Analysis Department, part of the American Electric Power  
5 Service Corporation (AEPSC) Regulatory Services Department. AEPSC is a  
6 subsidiary of American Electric Power Company, Inc. (AEP), as is AEP Texas  
7 Central Company (TCC or Company). My business address is 212 East Sixth Street,  
8 Tulsa, Oklahoma 74119.

9 Q. PLEASE BRIEFLY DESCRIBE THE AEPSC REGULATORY SERVICES  
10 DEPARTMENT AND YOUR CURRENT JOB RESPONSIBILITIES.

11 A. AEPSC Regulatory Services is part of the AEP Utilities Business Group. Regulatory  
12 Services provides coordination and tariff-related services for the AEP operating utility  
13 companies, including TCC. My current responsibilities include cost-of-service  
14 analysis, rate design, and tariff provisions for the four AEP West operating  
15 companies. I am also responsible for the preparation of, and support for, filings  
16 before the various state commissions under whose jurisdiction AEP or its subsidiaries  
17 provide service.

18 Q. PLEASE DESCRIBE YOUR EDUCATIONAL AND PROFESSIONAL  
19 EXPERIENCE.

20 A. I received a B.A. in Economics in 1988 from the University of Mississippi and a M.A.  
21 in Economics in 2002 from the University of Oklahoma. I also have an A.S. in  
22 Mathematics from Tulsa Community College. In addition to graduate courses in

1 economics that include Advanced Public Utility Regulation from the University of  
2 Oklahoma, I have attended workshops sponsored by New Mexico State University's  
3 Center for Public Utilities that include the Basics of Regulation and Pricing  
4 Workshops and Edison Electric Institute's (EEI's) Electric Rate Advanced Course.

5 In 1989, I began employment with Public Service Company of Oklahoma  
6 (PSO) as a Customer Service Representative. In 1996, I accepted the position of  
7 Pricing and Costing Analyst with Central and South West Services, Inc. (CSWS). In  
8 2000, I accepted and currently hold the position of Regulatory Consultant with  
9 AEPSC.

10 Q. HAVE YOU PREVIOUSLY PROVIDED TESTIMONY OR TESTIFIED BEFORE  
11 THIS OR OTHER UTILITY COMMISSIONS?

12 A. Yes, I have provided testimony in filings with this Commission including the  
13 Transition Charge (TC) Non-Standard True-up for AEP Texas Central Company  
14 (TCC) in PUCT Docket No. 40898 in October 2012 and the TC-2 Non-Standard  
15 True-up in May 2012 in PUCT Docket No.40444. I have also provided testimony in  
16 filings with the Louisiana Public Service Commission, the Oklahoma Corporation  
17 Commission, and the Arkansas Public Service Commission.

18

19 II. PURPOSE OF TESTIMONY

20 Q. PLEASE EXPLAIN THE PURPOSE OF YOUR TESTIMONY IN THIS FILING.

21 A. The purpose of my testimony in this filing is to support the calculation of transition  
22 charge (TC-2) rates by rate class pursuant to the Non-standard True-up provisions as

1 approved in Docket No. 32475, Findings of Fact (FOF) 95 through 97 and support the  
2 tariff (Rider TC-2) revised in this filing.

3 Q. WHAT RELIEF IS THE COMPANY REQUESTING IN THIS FILING?

4 A. The Company is requesting approval of Rider TC-2 effective with the first billing  
5 cycle for September 2013 (August 28, 2013) which incorporates TC-2 rates calculated  
6 utilizing the Non-standard True-up adjustment.

7  
8 III. BACKGROUND

9 Q. PLEASE PROVIDE A BRIEF DESCRIPTION OF THE HISTORY OF THE TC-2  
10 RATES.

11 A. On March 3, 2006, TCC (formerly known as Central Power and Light Company)  
12 initially filed its application for a Financing Order under Subchapter G of Chapter 39  
13 of the Public Utility Regulatory Act (PURA) to permit securitization of some of its  
14 stranded costs, regulatory assets and other qualified costs as described in its  
15 application. That proceeding was assigned Docket No. 32475. On June 21, 2006, the  
16 Public Utility Commission of Texas (Commission) issued a Final Order (Financing  
17 Order) that authorized the issuance of Transition Bonds for TCC for the recovery of  
18 stranded costs, regulatory assets, carrying costs, and up-front qualified costs  
19 associated with such bonds and approved the collection of the costs through Schedule  
20 TC-2 and Rider TC-2. In accordance with the Financing Order, AEP Texas Central  
21 Transition Funding II LLC, 2006-1 (Bond Company) securitized the stranded costs,  
22 regulatory assets and other qualified costs on October 11, 2006 by issuing transition

1 bonds (Transition Bonds) and TCC began billing TC-2s on October 12, 2006. TCC is  
2 the Servicer for the Bond Company with respect to the Transition Bonds and in that  
3 role it bills, collects, receives and adjusts the transition charges imposed pursuant to  
4 TCC's Tariff for Retail Delivery Service, Section 6.1.1.2.2.1 – Initial/Adjusted  
5 Transition Charge-2 Rates - Rider TC-2, and remits the amounts received to the  
6 trustee to repay the Transition Bonds. The Financing Order, Schedule TC-2 and  
7 Rider TC-2 set out the rates and terms and conditions under which the transition  
8 charges will be billed and collected with respect to the Transition Bonds.

9 This filing is being made to comply with the procedures in the Financing  
10 Order for making a Non-standard True-up which, among other things, require this  
11 filing be made 90 days in advance of the proposed effective date of the Non-standard  
12 True-up. This filing is being made 90 days prior to the first billing cycle for  
13 September 2013 so that the TC-2 rates will reflect the Non-standard True-up  
14 provision of the Financing Order.

15  
16 IV. NON-STANDARD TRUE-UP

17 Q. WHAT IS THE NON-STANDARD TRUE-UP ADJUSTMENT?

18 A. FOF 95 of the Financing Order states that a Non-standard True-up adjustment will be  
19 applied if the forecasted billing units for one or more of the transition charge  
20 customer classes for an upcoming period decrease by more than 10% compared to the  
21 billing units for the 12 months ending August 31, 2005 as shown in Appendix E of  
22 the Financing Order in Docket No. 32475. FOFs 96 and 97 set forth a Non-standard



1 True-up adjustment procedure for adjusting the transition charges to each customer  
2 class and the process to be followed for a Non-standard True-up filing.

3 Q. WHY IS THE NON-STANDARD TRUE-UP ADJUSTMENT NEEDED AT THIS  
4 TIME?

5 A. The billing determinants for the period of September 2013 through August 2014 for  
6 the Commercial and Small Industrial Energy (Commercial Energy) TC-2 class are  
7 forecasted to decrease by more than 10% as compared to the billing determinants for  
8 the twelve months ending August 31, 2005, as shown in Appendix E to the Financing  
9 Order. Therefore, in accordance with FOF 95 of the Financing Order, the TC-2 rates  
10 proposed to be effective beginning August 28, 2013 are to be adjusted pursuant to the  
11 Non-Standard True-Up provisions of the Financing Order.

12 The Commercial Energy TC-2 class is demonstrating lower than forecasted  
13 kWh usage compared to 2005 levels. There are three possible contributing factors  
14 influencing this lower usage. The first factor is that a large portion of the customers  
15 in this class were existing customers prior to unbundling who were receiving service  
16 under energy-only tariff schedules. These customers migrated to this TC-2 class and  
17 were frozen from moving out of the class; however, these are typically older accounts  
18 and many have either terminated service completely, have been demolished and have  
19 been replaced by new more modern loads, or have simply just reduced their  
20 consumption. The second factor is that the remaining customers comprising this class  
21 are new customers taking service under the current Secondary Voltage Service  $\leq 10$   
22 kW. As the open Texas market has evolved, customers taking service under this tariff

1 schedule may not demonstrate as high a kWh consumption pattern as the old accounts  
2 that have terminated. A final and significant factor is that the Commission's new  
3 pro-forma tariff schedules define the limit at 10 kW for new customers in the  
4 determination if the customers should be billed on an energy-only based tariff  
5 schedule or a demand- based tariff schedule. Prior to deregulation, it was the  
6 customer's usage characteristics rather than demand that determined the type of tariff  
7 schedule that was most appropriate for the customer. Now, under the new pro-forma  
8 tariffs, new customers tend to qualify for service on the Secondary Voltage Service >  
9 10 kW distribution rate class. New Secondary Voltage Service > 10 kW distribution  
10 rate class customers are assigned the Commercial and Small Industrial Demand  
11 (Commercial Demand) TC-2 rate, which uses the customer's demands for billing  
12 purposes. No new Secondary Voltage Service > 10 kW distribution rate class  
13 customers are allowed to be billed on the Commercial Energy TC-2 class charges.

14 Q. HOW IS THE NON-STANDARD TRUE-UP ADJUSTMENT CALCULATED?

15 A. As prescribed in FOF 96 in the Financing Order and Schedule TC-2, the Non-  
16 standard True-up shall be conducted in the following manner:

- 17 (a). allocate the upcoming period's PBR based on the PBRAFs approved in the  
18 Financing Order;
- 19 (b). calculate under-collections or overcollections, including without limitation  
20 any caused by REP defaults, from the preceding period in each class by  
21 subtracting the previous period's transition charge revenues collected from  
22 each class from the PBR determined for that class for the same period;
- 23 (c). sum the amounts allocated to each customer class in steps (a) and (b) to  
24 determine an adjusted PBR for each transition charge customer class;
- 25 (d). divide the PBR for each customer class by the maximum of the forecasted  
26 billing units or the threshold billing units for that class, to determine the  
27 "threshold rate";

- 1 (e). multiply the threshold rate by the forecasted billing units for each class to  
2 determine the expected collections under the threshold rate;
- 3 (f). allocate the difference in the adjusted PBR and the expected collections  
4 calculated in step (e) among the transition charge customer classes using the  
5 PBRAFs approved in this Financing Order;
- 6 (g). add the amount allocated to each class in step (f) above to the expected  
7 collection amount by class calculated in step (e) above to determine the final  
8 PBR for each class; and
- 9 (h). divide the final PBR for each class by the forecasted billing units to determine  
10 the transition charge rate by class for the upcoming period.

11 The calculation of the TC-2 rates, detailed in EXHIBIT SGJ-1 to this  
12 testimony, complies with these provisions of the Financing Order and Schedule TC-2  
13 detailed above.

14 Q. EXPLAIN THE PERIODIC BILLING REQUIREMENT (PBR) USED IN THE  
15 CURRENT FILING.

16 A. The PBR for the period September 2013 through August 2014 is \$188,103,055. This  
17 amount corresponds to the actual interest rates and other factors known at issuance in  
18 October 2006. Each class's over/under collections are included in the calculation as  
19 well as items such as interest earned on collections and a charge-off true-up.  
20 Summing these amounts for each class produces an overall over-recovery of  
21 \$8,159,973, which has been incorporated into the current filing to arrive at an  
22 adjusted PBR of \$179,943,082.

23 Q. EXPLAIN THE PROJECTED BILLING UNITS USED IN THE CURRENT  
24 FILING.

25 A. AEP Economic Forecasting and Analysis forecasts kWh and kW by TC-2 class based  
26 on the most recent historic billing units for each TC-2 class through March 2013.

1 Historic kWh and kW for each TC-2 class are used to arrive at projected billing units  
2 for September 2013 through August 2014. Projected kWh billing units are used for  
3 the Residential, Municipal and Cotton Gin, and Commercial Energy TC-2 classes.  
4 Projected KW billing units are used for the Commercial Demand, Large Industrial  
5 Firm and Non-Firm, and Standby Firm and Non-Firm TC-2 classes.

6  
7 V. REVISED TARIFF

8 Q. HAVE YOU PROVIDED A REVISED TARIFF REFLECTING THE  
9 NON-STANDARD TRUE-UP CALCULATION OF TC-2s?

10 A. Yes. EXHIBIT SGJ-2 contains the Transition Charge Rates – Rider TC-2 calculated  
11 using the non-standard adjustment, which has been marked showing the changes from  
12 the current tariff.

13 Q. WHAT CHANGES ARE PROPOSED FOR RIDER TC-2?

14 A. The rates are changed as indicated with margin notations on EXHIBIT SGJ-2, page 1  
15 of 2. An effective date of August 28, 2013 has been added to the header of each page.

16 Q. HOW DO THE TC-2 RATES CHANGE FROM THE PREVIOUS YEAR?

17 A. Please see EXHIBIT SGJ-3 for rate comparisons. TC-2 rates for Residential,  
18 Commercial Demand, and Large Industrial Non-Firm classes are higher in the current  
19 filing compared to existing TC-2 rates. TC-2 rates for Commercial Energy,  
20 Municipal and Cotton Gin, Standby Firm, Standby Non-Firm, and Large Industrial  
21 Firm classes are lower in the current filing.

1 VI. CONCLUSION

2 Q. WHAT RELIEF IS THE COMPANY REQUESTING IN THIS PROCEEDING?

3 A. The Company is requesting that the proposed Rider TC-2 be approved effective with  
4 the first billing cycle of September 2013 (August 28, 2013).

5 Q. DOES THIS CONCLUDE YOUR DIRECT TESTIMONY? —

6 A. Yes, it does.

AEP/TEXAS CENTRAL COMPANY  
CALCULATION OF TC-2 Rates  
Non-Standard True-Up Adjustment  
For the Billing Period of September 2013 through August 2014

a	b	c	d	e	f	g	h	i	j	k	l	m
PBR AF Allocator	Periodic Billing Requirement (PBR)**	Prior Period (Over)Under Recovery	Adjusted PBR	9/2013 - 8/2014 Projected Billing Units	Threshold Units - 9% of Billing Units in Docket 32475 Financing Order Appendix E	Greater of Threshold or Year-end 8/2014 Billing Units	Threshold Rate (col d / g)	Expected Collections with Threshold Rate (col e x h)	Difference (col d - i)	Allocation per PBRAFS	Final Periodic Billing Requirement (col i + k)	Adjusted Transition Charge Rate*** (col l / e)
Residential	38.8932% \$	73,159,297 \$	(2,772,162) \$	70,387,136	9,120,177,216	9,120,177,216	0.007718	70,387,136	\$ -	\$ 2,351,635	72,738,770	\$ 0.007976
Commercial Energy	22.4467% \$	42,222,928 \$	(2,702,393) \$	39,520,545	2,641,657,543	2,641,657,543	0.014961	33,474,155	\$ 6,046,390	\$ 1,357,215	34,831,370	\$ 0.015567
Muni & Cotton Gin Energy	2.6976% \$	5,074,268 \$	(508,641) \$	4,564,627	448,761,975	452,480,097	0.010088	4,564,627	\$ -	\$ 183,107	4,727,734	\$ 0.010448
Commercial Demand	28.9875% \$	54,526,373 \$	(1,428,619) \$	53,097,754	14,921,088	23,634,380	2.246632	53,097,754	\$ -	\$ 1,752,687	54,850,452	\$ 2.320781
Large Industrial Firm	2.3222% \$	4,368,129 \$	(338,815) \$	4,029,315	2,578,829	3,312,273	1.216480	4,029,315	\$ -	\$ 140,409	4,169,724	\$ 1.258871
Standby Firm	1.4882% \$	2,795,350 \$	(299,378) \$	2,495,972	12,894,011	15,040,661	0.166214	2,495,972	\$ -	\$ 89,982	2,585,954	\$ 0.172197
Large Industrial Non-Firm	2.7973% \$	5,261,807 \$	(23,863) \$	5,237,944	2,396,023	2,722,137	1.924203	5,237,944	\$ -	\$ 165,136	5,407,080	\$ 1.986337
Standby Non-Firm	0.3673% \$	690,903 \$	(65,113) \$	605,790	2,209,396	2,687,172	0.225387	605,790	\$ -	\$ 22,208	627,998	\$ 0.233650
Total	100.0000% \$	188,103,055 \$	(8,159,973) \$	179,943,082				173,896,692	\$ 6,046,390	\$ 6,046,390	179,943,082	

\*Revised effective November 2008 pursuant to the Final Order in PUCT Docket No. 3279525105.

\*\*The PBR depends on actual interest rates or other factors known at issuance. PBR based on model projected billings.

\*\*\*Residential, Commercial Energy, Muni & Cotton Gin, and Commercial Demand TC-2 rates apply to actual billing units. Large Industrial Firm (except additional metered load), Large Industrial Non-Firm, Standby Firm and Standby Non-Firm TC rates apply to average historic demands adjusted for growth and weather.

\*The PBR for the year 2007 and after depends on actual interest rates or other factors known at issuance. PBR based on Goldman model projected billings.

**AEP TEXAS CENTRAL COMPANY  
TARIFF FOR ELECTRIC DELIVERY SERVICE**

**EXHIBIT SGJ-2**

Applicable: Entire System

Page 1 of 2

Chapter: 6 Section: 6.1.1

Section Title: Delivery System Charges

Revision: Eleventh

Effective Date: August 28, 2013 |T

**6.1.1.2.2.1 Initial / Adjusted Transition Charge-2 Rates – Rider TC-2**

**AVAILABILITY**

This schedule is applicable to energy consumption and demands of retail customers taking service from the Company during the term that this schedule is in effect, and to the facilities, premises, and loads of all other retail customers obligated to pay TC-2 Charges as provided in Rate Schedule TC-2, Section 6.1.1.2.2.1. Terms defined in Rate Schedule TC-2 that are used herein shall have the same meaning as set forth in Rate Schedule TC-2.

**RATE CLASSES**

For purposes of billing Initial/Adjusted Transition Charge-2 Rates (TC-2 Rates), each retail end-use customer will be designated as a customer belonging to one of eight classes as identified and defined by Rate Schedule TC-2.

**TRANSITION CHARGE-2 RATES**

The Initial/Adjusted TC-2 Rates shall be determined in accordance with and are subject to the provisions set forth in Rate Schedule TC-2. Not less than 15 days prior to the first billing cycle for the Company's September billing month and no less frequently than annually thereafter, the Company or successor Servicer will file a Revision to Rider TC-2 setting forth the Adjusted TC-2 Rates to be effective for the upcoming period. If made as a result of the annual true-up adjustment in Rate Schedule TC-2, the Adjusted TC-2 Rates will become effective on the first billing cycle of the Company's September billing month. If an interim true up adjustment is made pursuant to Rate Schedule TC-2, the Adjusted TC-2 Rates will be become effective on the first billing cycle of the Company's billing month that is not less than 15 days following the making of the interim true-up adjustment filing. If a Non-Standard True-Up filing pursuant to Rate Schedule TC-2 is made to revise the Rider TC-2, the filing will be made at least 90 days prior to the first billing cycle for the Company's September billing month.

**AEP TEXAS CENTRAL COMPANY  
TARIFF FOR ELECTRIC DELIVERY SERVICE**

**EXHIBIT SGJ-2**

Applicable: Entire System

Page 2 of 2

Chapter: 6 Section: 6.1.1

Section Title: Delivery System Charges

Revision: Eleventh

Effective Date: August 28, 2013 |T

**6.1.1.2.2.1 Initial / Adjusted Transition Charge-2 Rates – Rider TC-2**

<u>Transition Charge-2 Customer Class</u>	<u>Initial/Adjusted TC-2 Rates</u>	
Residential	\$ .007976 per kWh	I
Commercial and Small Industrial – Energy	\$ .015567 per kWh	R
Commercial and Small Industrial – Demand	\$ 2.320791 per kW or kVa	I
Large Industrial – Firm	\$ 1.258871 per kW or kVa	R
Large Industrial – Non-Firm	\$ 1.986337 per kW or kVa	I
Standby – Firm	\$ .172197 per Daily kW or kVa	R
Standby – Non-Firm	\$ .233650 per Daily kW or kVa	R
Municipal and Cotton Gin	\$ .010448 per kWh	R

The Initial/Adjusted TC-2 Rates are multiplied by the kWh, kW or kVa, as applicable, read, estimated or determined during the billing month and will be applied to bills rendered on and after the effective date.



EXHIBIT SGJ-3

### TC-2 RATE COMPARISON

TC-2 Rate Class	Prior year TC-2 Rate eff. 9/12-8/13	Revised TC-2 Rate eff. 9/13
Residential	\$ 0.007366 per kWh	\$ 0.007976 per kWh
Commercial Energy	\$ 0.015942 per kWh	\$ 0.015567 per kWh
Muni & Cotton Gin Energy	\$ 0.011172 per kWh	\$ 0.010448 per kWh
Commercial Demand	\$ 2.292969 per kW	\$ 2.320791 per kW
Large Industrial Firm	\$ 1.271849 per kW	\$ 1.258871 per kW
Standby Firm	\$ 0.188518 per kW	\$ 0.172197 per kW
Large Industrial Non-Firm	\$ 1.877257 per kW	\$ 1.986337 per kW
Standby Non-Firm	\$ 0.263713 per kW	\$ 0.233650 per kW

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**12. Interim True-Up**

93. In addition to these annual true-up adjustments, true-up adjustments may be made by the servicer more frequently at any time during the term of the transition bonds to correct any undercollection or overcollection, as provided for in this Financing Order, in order to assure timely payment of transition bonds based on rating agency and bondholder considerations. In addition to the foregoing, either of the following two conditions may result in an interim true-up adjustment prior to an upcoming transition bond principal payment date:

- (a) the servicer determines that collection of transition charges for the upcoming payment date would result in a difference that is greater than 5% in absolute value, between (i) the actual outstanding principal balances of the transition bonds plus amounts on deposit in the excess funds subaccount and (ii) the outstanding principal balances anticipated in the target amortization schedule; or
- (b) to meet a rating agency requirement that any tranche of transition bonds be paid in full by its expected maturity date.

94. In the event an interim true-up is necessary, the interim true-up adjustment should be filed not less than 15 days prior to the first billing cycle of the month in which the revised transition charges will be in effect. In no event would such interim true-up adjustments occur more frequently than every three months if quarterly transition bond payments are required or every six months if semi-annual transition bond payments are required; provided, however, that interim true-up adjustments for any transition bonds remaining outstanding during the fourteenth and fifteenth year after the bonds are issued may occur quarterly.

**13. Non-Standard True-Up**

95. A non-standard true-up procedure will be applied if the forecasted billing units for one or more of the transition charge customer classes for an upcoming period decreases by more than 10% compared to the billing units used by TCC to

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develop the PBRAFs approved in this Financing Order (known as the threshold billing units), shown in Appendix E to this Financing Order.

96. In conducting the non-standard true-up the servicer will:
- (a) allocate the upcoming period's PBR based on the PBRAFs approved in this Financing Order;
  - (b) calculate undercollections or overcollections, including without limitation any caused by REP defaults, from the preceding period in each class by subtracting the previous period's transition charge revenues collected from each class from the PBR determined for that class for the same period;
  - (c) sum the amounts allocated to each customer class in steps (a) and (b) to determine an adjusted PBR for each transition charge customer class;
  - (d) divide the PBR for each customer class by the maximum of the forecasted billing units or the threshold billing units for that class, to determine the "threshold rate";
  - (e) multiply the threshold rate by the forecasted billing units for each class to determine the expected collections under the threshold rate;
  - (f) allocate the difference in the adjusted PBR and the expected collections calculated in step (e) among the transition charge customer classes using the PBRAFs approved in this Financing Order;
  - (g) add the amount allocated to each class in step (f) above to the expected collection amount by class calculated in step (e) above to determine the final Periodic Billing Requirement for each class; and
  - (h) divide the final PBR for each class by the forecasted billing units to determine the transition charge rate by class for the upcoming period.
97. A proceeding for the purpose of approving a non-standard true-up should be conducted in the following manner:
- (a) The servicer will make a "non-standard true-up filing" with the Commission at least 90 days before the date of the proposed true-up adjustment. The filing will contain the proposed changes to the transition charge rates, justification for such changes as necessary to

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specifically address the cause(s) of the proposed non-standard true-up, and a statement of the proposed effective date.

- (b) Concurrently with the filing of the non-standard true-up with the Commission, the servicer will notify all parties in this docket of the filing of the proposal for a non-standard true-up.
- (c) The servicer will issue appropriate notice and the Commission will conduct a contested case proceeding on the non-standard true-up proposal pursuant to PURA § 39.003.

The scope of the proceeding will be limited to determining whether the proposed adjustment complies with this Financing Order. The Commission will issue a final order by the proposed true-up adjustment date stated in the non-standard true-up filing. In the event that the Commission cannot issue an order by that date, the servicer will be permitted to implement its proposed changes. Any modifications subsequently ordered by the Commission will be made by the servicer in the next true-up filing.

#### **14. Additional True-Up Provisions**

- 98. The true-up adjustment filing will set forth the servicer's calculation of the true-up adjustment to the transition charges. Except for the non-standard true-up in Findings of Fact Nos. 95 through 97, the Commission will have 15 days after the date of a true-up adjustment filing in which to confirm the mathematical accuracy of the servicer's adjustment. Except for the non-standard true-up adjustment described above, any true-up adjustment filed with the Commission should be effective on its proposed effective date, which shall be not less than 15 days after filing. Any necessary corrections to the true-up adjustment, due to mathematical errors in the calculation of such adjustment or otherwise, will be made in future true-up adjustment filings.
- 99. The true-up procedures contained in Schedule TC-2 are reasonable and will reduce risks related to the transition bonds, resulting in lower transition bond charges and greater benefits to ratepayers and should be approved.

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8. **Collector of Transition Charges.** TCC or any subsequent servicer of the transition bonds shall bill a consumer's REP or other entity which, under the terms of this Financing Order or the tariffs approved hereby, is required to bill, or collect transition charges, for the transition charges attributable to that consumer.
9. **Collection Period.** The transition charges related to a series of transition bonds shall be designed to be collected over the expected 14-year life of the transition bonds. However, to the extent that any amounts are not recovered at the end of this 14-year period, TCC may continue to recover them over a period ending not more than 15 years from the date of issuance of that series of transition bonds. Amounts remaining unpaid after this 15-year period may be recovered but only to the extent that the charges are attributable to services rendered during the 15-year period.
10. **Allocation.** TCC shall allocate the transition charges among consumer classes in the manner described in this Financing Order.
11. **Nonbypassability.** TCC and any other entity providing electric transmission or distribution services and any REP providing services to any retail consumer within TCC's certificated service area as it existed on May 1, 1999 (except as provided in Finding of Fact No. 80), are entitled to collect and must remit, consistent with this Financing Order, the transition charges from such retail consumers and, except as provided under PURA §§ 39.252(b) and 39.262(k), as implemented by P.U.C. SUBST. R. 25.345, from retail consumers that switch to new on-site generation, and such retail consumers are required to pay such transition charges. The Commission will ensure that such obligations are undertaken and performed by TCC, any other entity providing electric transmission or distribution services within TCC's certificated service area as of May 1, 1999 and any REP providing services to any retail consumer within such certificated service area.
12. **True-Ups.** True-ups of the transition charges, including non-standard true-ups, shall be undertaken and conducted as described in Schedule TC-2. The servicer

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shall file the true-up adjustments in a compliance docket and shall give notice of the filing to all parties in this docket.

13. **Ownership Notification.** Any entity that bills transition charges to retail consumers shall, at least annually, provide written notification to each retail consumer for which the entity bills transition charges that the transition charges are the property of BondCo and not of the entity issuing such bill.

### **C. Transition Bonds**

14. **Issuance.** BondCo is authorized to issue transition bonds as specified in this Financing Order. The ongoing qualified costs described in Appendix D may be recovered directly through the transition charges.
15. TCC may securitize up-front qualified costs in accordance with this Financing Order, subject to the cap on certain of TCC's securitizable up-front qualified costs as shown on Appendix D to this Financing Order. In the issuance advice letter, TCC will update the SEC registration fee and underwriter's fee if these amounts deviate from those listed in Appendix C as a result of a change in the size of the transition bond issuance or a change in the SEC's formula for calculating the registration fee. The cap on up-front qualified costs does not apply to costs associated with original issue discount or other credit enhancements as discussed in Ordering Paragraph No. 21, or to the costs of refinancing or retiring debt. These costs are not capped by this Financing Order.
16. TCC may recover its actual ongoing qualified costs through its transition charges, subject to the caps on the servicing fee as set forth in Appendix D to this Financing Order. The amount of ongoing qualified costs is subject to updating in the issuance advice letter to reflect a change in the size of the transition bond issuance and other information available at the time of submission of the issuance advice letter. Costs associated with original issue discount or other credit enhancements as discussed in Ordering Paragraph No. 21 are not capped by this Financing Order. As provided in Ordering Paragraph No. 28, a servicer, other than TCC, may collect a higher servicing fee than that set forth in Appendix D to

TCC078

NOTICE OF NON-STANDARD TRUE-UP FILING  
BY AEP TEXAS CENTRAL COMPANY

AEP Texas Central Company ("TCC" or the "Company") hereby publishes NOTICE that it filed with the Public Utility Commission of Texas (the "Commission") on May 30, 2013, the NON-STANDARD TRUE-UP FILING OF AEP TEXAS CENTRAL COMPANY PURSUANT TO THE FINANCING ORDER IN DOCKET NO. 32475. The filing seeks approval of transition charge rates to be calculated and applied beginning with the first billing cycle for the month of September 2013, pursuant to the Non-standard True-up provisions of the order issued by the Commission on June 21, 2006, in Docket No. 32475, *Application of AEP Texas Central Company for A Financing Order* (the "Financing Order") and Sections 39.003 and 39.307 of the Texas Utilities Code. Customers potentially affected include those retail customers, whether or not currently receiving transmission and/or distribution service from TCC, whose facilities, premises and loads are located in TCC's certificated service area and are being served or have been served by TCC at any time on or after May 1, 1999. The filing has been assigned Docket No. \_\_\_\_\_.

On October 11, 2006, Transition Bonds were issued under the Financing Order. The Financing Order establishes how the annual costs permitted to be recovered through transition charges are allocated among customer classes. The Non-standard True-up provisions of the Financing Order permit adjustment of the transition charges for each customer class if the forecasted billing determinants for any one or more customer classes are projected to decrease by more than 10 percent from the billing determinants for the 12 months ending August 31, 2005 ("base period"). The billing determinants for the Commercial and Small Industrial-Energy class are forecasted to decrease by more than 10 percent for the 12 months ending August 2014 when compared to the base period.

If the Non-standard True-up is approved, transition charge rates applicable to all retail customer classes will be affected. The proposed rates for the transition charge classes are as follows:

<u>Transition Charge Class</u>	<u>Transition Charge Rates</u>
Residential	\$ .007976 per kWh
Commercial and Small Industrial – Energy	\$ .015567 per kWh
Commercial and Small Industrial – Demand	\$ 2.320791 per kW or kVa
Large Industrial – Firm	\$ 1.258871 per kW or kVa
Large Industrial – Non-Firm	\$ 1.986337 per kW or kVa
Standby – Firm	\$ .172197 per Daily kW or kVa
Standby – Non-Firm	\$ .233650 per Daily kW or kVa
Municipal and Cotton Gin	\$ .010448 per kWh

The deadline for filing a motion to intervene in this proceeding is \_\_\_\_\_. Additionally, any person who intervenes and would like a hearing on this matter must file a request for hearing with the commission by \_\_\_\_\_. The request for a hearing must also include a specific list of issues the person believes should be addressed at the hearing.

The scope of the proceeding will be limited to determining whether the Non-standard True-up complies with the Financing Order. The Financing Order requires the Commission to rule upon the Company's request within 90 days or the requested rates will go into effect. Persons with questions or who want more information on this petition may contact AEP Texas Central Company, 539 North Carancahua Street, Corpus Christi, Texas 78401 or call (361)881-5387 or call toll free at (888)216-3523 during normal business hours. A complete copy of this Application is available for inspection at the above address. Persons who wish to formally participate in this proceeding, or who wish to express their comments concerning this Petition should contact the Public Utility Commission of Texas, Office of Customer Protection, P.O. Box 13326, Austin, Texas 78711-3326, or call (512)936-7120 or toll free at (888)782-8477. Hearing and speech-impaired individuals with text telephones (TTY) may call (512)936-7136 or use Relay Texas (toll free) (800)735-2989.



PUC DOCKET NO. \_\_\_\_\_

NON-STANDARD TRUE-UP FILING §  
 OF AEP TEXAS CENTRAL COMPANY §  
 PURSUANT TO THE FINANCING §  
 ORDER IN DOCKET NO. 32475 §

BEFORE THE  
 PUBLIC UTILITY COMMISSION  
 OF  
 TEXAS

**PROPOSED PROTECTIVE ORDER**

This Protective Order shall govern the use of all information deemed confidential (Protected Materials) or highly confidential (Highly Sensitive Protected Materials) by a party providing information to the Public Utility Commission of Texas (Commission), including information whose confidentiality is currently under dispute.

It is ORDERED that:

1. Designation of Protected Materials. Upon producing or filing a document, including, but not limited to, records stored or encoded on a computer disk or other similar electronic storage medium in this proceeding, the producing party may designate that document, or any portion of it, as confidential pursuant to this Protective Order by typing or stamping on its face "PROTECTED PURSUANT TO PROTECTIVE ORDER ISSUED IN DOCKET NO. \_\_\_\_\_" or words to this effect and consecutively Bates Stamping each page. Protected Materials and Highly Sensitive Protected Materials include not only the documents so designated, but also the substance of the information contained in the documents and any description, report, summary, or statement about the substance of the information contained in the documents.
2. Materials Excluded from Protected Materials Designation. Protected Materials shall not include any information or document contained in the public files of the Commission or any other federal or state agency, court, or local governmental authority subject to the Texas Public Information Act. Protected Materials also shall not include documents or information which at the time of, or prior to disclosure in a proceeding, is or was public knowledge, or which becomes public knowledge other than through disclosure in violation of this Protective Order.

3. Reviewing Party. For the purposes of this Protective Order, a Reviewing Party is a party to this docket.
4. Procedures for Designation of Protected Materials. On or before the date the Protected Materials or Highly Sensitive Protected Materials are provided to the Commission, the producing party shall file with the Commission and deliver to each party to the proceeding a written statement, which may be in the form of an objection, indicating: (1) any and all exemptions to the Public Information Act, TEX. GOV'T CODE ANN., Chapter 552, claimed to be applicable to the alleged Protected Materials; (2) the reasons supporting the providing party's claim that the responsive information is exempt from public disclosure under the Public Information Act and subject to treatment as protected materials; and (3) that counsel for the providing party has reviewed the information sufficiently to state in good faith that the information is exempt from public disclosure under the Public Information Act and merits the Protected Materials designation.
5. Persons Permitted Access to Protected Materials. Except as otherwise provided in this Protective Order, a Reviewing Party shall be permitted access to Protected Materials only through its Reviewing Representatives who have signed the Protective Order Certification Form. Reviewing Representatives of a Reviewing Party include its counsel of record in this proceeding and associated attorneys, paralegals, economists, statisticians, accountants, consultants, or other persons employed or retained by the Reviewing Party and directly engaged in these proceedings. At the request of the Commissioners or their staff, copies of Protected Materials may be produced by the Staff of the Public Utility Commission of Texas (Commission Staff) or the Commission Advising and Docket Management Division (CADM) to the Commissioners. The Commissioners and their staff shall be informed of the existence and coverage of this Protective Order and shall observe the restrictions of the Protective Order.
6. Highly Sensitive Protected Material Described. The term Highly Sensitive Protected Materials is a subset of Protected Materials and refers to documents or information which a producing party claims is of such a highly sensitive nature that making copies of such documents or information or providing access to such documents to employees of the Reviewing Party (except as set forth herein) would expose a producing party to unreasonable risk of harm, including but not limited to: (1) customer-specific information

protected by § 32.101(c) of the Public Utility Regulatory Act; (2) contractual information pertaining to contracts that specify that their terms are confidential or which are confidential pursuant to an order entered in litigation to which the producing party is a party; (3) market-sensitive fuel price forecasts, wholesale transactions information and/or market-sensitive marketing plans; and (4) business operations or financial information that is commercially sensitive. Documents or information so classified by a producing party shall bear the designation "HIGHLY SENSITIVE PROTECTED MATERIALS PROVIDED PURSUANT TO PROTECTIVE ORDER ISSUED IN DOCKET NO. \_\_\_\_\_ " or words to this effect and shall be consecutively Bates Stamped in accordance with the provisions of this Protective Order. The provisions of this Protective Order pertaining to Protected Materials also apply to Highly Sensitive Protected Materials, except where this Protective Order provides for additional protections for Highly Sensitive Protected Materials. In particular, the procedures herein for challenging the producing party's designation of information as Protected Materials also apply to information that a producing party designates as Highly Sensitive Protected Materials.

7. Restrictions on Copying and Inspection of Highly Sensitive Protected Material. Except as expressly provided herein, only one copy may be made of any Highly Sensitive Protected Materials except that additional copies may be made in order to have sufficient copies for introduction of the material into the evidentiary record if the material is to be offered for admission into the record. A record of any copies that are made of Highly Sensitive Protected Material shall be kept and a copy of the record shall be sent to the producing party at the time the copy or copies are made. The record shall include information on the location and the person in possession of the copy. Highly Sensitive Protected Material shall be made available for inspection only at the location or locations provided by the producing party, except as provided by Paragraph 9. Limited notes may be made of Highly Sensitive Protected Materials, and such notes shall themselves be treated as Highly Sensitive Protected Materials unless such notes are limited to a description of the document and a general characterization of its subject matter in a manner that does not state any substantive information contained in the document.
8. Restricting Persons Who May Have Access to Highly Sensitive Protected Material. With the exception of the Commission Staff and the Office of Public Utility Counsel (OPC),

and except as provided herein, the Reviewing Representatives for the purpose of access to Highly Sensitive Protected Materials may be persons who are: (1) outside counsel for the Reviewing Party; (2) outside consultants for the Reviewing Party working under the direction of Reviewing Party's counsel; or (3) employees of the Reviewing Party working with and under the direction of Reviewing Party's counsel who have been authorized by the presiding officer to review Highly Sensitive Protected Materials. The Reviewing Party shall limit the number of Reviewing Representatives that review each Highly Sensitive Protected document to the minimum number of persons necessary. The Reviewing Party is under a good faith obligation to limit access to each portion of any Highly Sensitive Protected Materials to two Reviewing Representatives whenever possible. Reviewing Representatives for the Commission Staff and OPC, for the purpose of access to Highly Sensitive Protected Materials, shall consist of their respective counsel of record in this proceeding and associated attorneys, paralegals, economists, statisticians, accountants, consultants, or other persons employed or retained by them and directly engaged in these proceedings.

9. Copies Provided of Highly Sensitive Protected Material. A producing party shall provide one copy of Highly Sensitive Protected Materials specifically requested by the Reviewing Party to the person designated by the Reviewing Party who must be a person authorized to review Highly Sensitive Protected Material under Paragraph 8, and be either outside counsel or an outside consultant. Other representatives of the reviewing party who are authorized to view Highly Sensitive Material may review the copy of Highly Sensitive Protected Materials at the office of the Reviewing Party's representative designated to receive the information. Any Highly Sensitive Protected documents provided to a Reviewing Party may not be copied except as provided in Paragraph 7 and shall be returned along with any copies made pursuant to Paragraph 7 to the producing party within two weeks after the close of the evidence in this proceeding. The restrictions contained herein do not apply to the Commission Staff, OPC, and the Office of the Attorney General (OAG) when the OAG is a representing a party to the proceeding.
10. Procedures in Paragraphs 10-14 Apply to Commission Staff, OPC, and the OAG and Control in the Event of Conflict. The procedures set forth in Paragraphs 10 through 14 apply to responses to requests for documents or information that the producing party

designates as Highly Sensitive Protected Materials and provides to the Commission Staff, OPC, and the OAG in recognition of their purely public functions. To the extent the requirements of Paragraphs 10 through 14 conflict with any requirements contained in other paragraphs of this Protective Order, the requirements of these Paragraphs shall control.

11. Copy of Highly Sensitive Protected Material to be Provided to the Commission Staff, OPC, and the OAG. When, in response to a request for information by a Reviewing Party, the producing party makes available for review documents or information claimed to be Highly Sensitive Protected Materials, the producing party shall also deliver one copy of the Highly Sensitive Protected Materials to the Commission Staff, OPC (if OPC is a party), and the OAG (if the OAG is representing a party) in Austin, Texas. Provided however, that in the event such Highly Sensitive Protected Materials are voluminous, the materials will be made available for review by Commission Staff, OPC (if OPC is a party), and the OAG (if the OAG is representing a party) at the designated office in Austin, Texas. The Commission Staff, OPC (if OPC is a party), and the OAG (if the OAG is representing a party) may request such copies as are necessary of such voluminous material under the copying procedures set forth herein.
12. Delivery of the Copy of Highly Sensitive Protected Material to Staff and Outside Consultants. The Commission Staff, OPC (if OPC is a party), and the OAG (if the OAG is representing a party) may deliver the copy of Highly Sensitive Protected Materials received by them to the appropriate members of their staff for review, provided such staff members first sign the certification provided in Paragraph 15. After obtaining the agreement of the producing party, Commission Staff, OPC, and the OAG (if the OAG is representing a party) may deliver the copy of Highly Sensitive Protected Materials received by it to the agreed, appropriate members of their outside consultants for review, provided such outside consultants first sign the certification attached hereto.
13. Restriction on Copying by Commission Staff, OPC, and the OAG. Except as allowed by Paragraphs 7, Commission Staff, OPC, and the OAG may not make additional copies of the Highly Sensitive Protected Materials furnished to them unless the producing party agrees in writing otherwise, or, upon a showing of good cause, the Presiding Officer directs otherwise. Limited notes may be made by Commission Staff, OPC (if OPC is a

party), and the OAG (if the OAG is representing a party) of Highly Sensitive Protected Materials furnished to them and all such handwritten notes will be treated as Highly Sensitive Protected Materials as are the materials from which the notes are taken.

14. Public Information Requests. In the event of a request for any of the Highly Sensitive Protected Materials under the Public Information Act, an authorized representative of the Commission Staff, OPC, or the OAG may furnish a copy of the requested Highly Sensitive Protected Materials to the Open Records Division at the OAG together with a copy of this Protective Order after notifying the producing party that such documents are being furnished to the OAG. Such notification may be provided simultaneously with the delivery of the Highly Sensitive Protected Materials to the OAG.
15. Required Certification. Each person who inspects the Protected Materials shall, before such inspection, agree in writing to the following certification set forth in the attachment to this Protective Order:

I certify my understanding that the Protected Materials are provided to me pursuant to the terms and restrictions of the Protective Order in this docket, and that I have been given a copy of it and have read the Protective Order and agree to be bound by it. I understand that the contents of the Protected Materials, any notes, memoranda, or any other form of information regarding or derived from the Protected Materials shall not be disclosed to anyone other than in accordance with the Protective Order and unless I am an employee of the Commission or OPC shall be used only for the purpose of the proceeding in Docket No. \_\_\_\_\_. I acknowledge that the obligations imposed by this certification are pursuant to such Protective Order. Provided, however, if the information contained in the Protected Materials is obtained from independent public sources, the understanding stated herein shall not apply.

In addition, Reviewing Representatives who are permitted access to Highly Sensitive Protected Material under the terms of this Protective Order shall, before inspection of such material, agree in writing to the following certification set forth in the Attachment to this Protective Order:

I certify that I am eligible to have access to Highly Sensitive Protected Material under the terms of the Protective Order in this docket.

A copy of each signed certification shall be provided by the reviewing party to counsel for the producing party and served upon all parties of record.

16. Disclosures Between Reviewing Representatives and Continuation of Disclosure Restrictions After a Person is no Longer Engaged in the Proceeding. Any Reviewing Representative may disclose Protected Materials, other than Highly Sensitive Protected Materials, to any other person who is a Reviewing Representative provided that, if the person to whom disclosure is to be made has not executed and provided for delivery of a signed certification to the party asserting confidentiality, that certification shall be executed prior to any disclosure. A Reviewing Representative may disclose Highly Sensitive Protected Material to other Reviewing Representatives who are permitted access to such material and have executed the additional certification required for persons who receive access to Highly Sensitive Protected Material. In the event that any Reviewing Representative to whom Protected Materials are disclosed ceases to be engaged in these proceedings, access to Protected Materials by that person shall be terminated and all notes, memoranda, or other information derived from the protected material shall either be destroyed or given to another Reviewing Representative of that party who is authorized pursuant to this Protective Order to receive the protected materials. Any person who has agreed to the foregoing certification shall continue to be bound by the provisions of this Protective Order so long as it is in effect, even if no longer engaged in these proceedings.
17. Producing Party to Provide One Copy of Certain Protected Material and Procedures for Making Additional Copies of Such Materials. Except for Highly Sensitive Protected Materials which shall be provided to the Reviewing Parties pursuant to Paragraph 9, and voluminous Protected Materials, the producing party shall provide a Reviewing Party one copy of the Protected Materials upon receipt of the signed certification described in Paragraph 15. Except for Highly Sensitive Protected Materials, a Reviewing Party may make further copies of Protected Materials for use in this proceeding pursuant to this Protective Order, but a record shall be maintained as to the documents reproduced and the number of copies made, and upon request the Reviewing Party shall provide the party asserting confidentiality with a copy of that record.

18. Procedures Regarding Voluminous Protected Materials. Production of voluminous Protected Materials will be governed by P.U.C. PROC. R. 22.144(h). Voluminous Protected Materials will be made available in the producing party's voluminous room, in Austin, Texas, or at a mutually agreed upon location, Monday through Friday, 9:00 a.m. to 5:00 p.m. (except on state or Federal holidays), and at other mutually convenient times upon reasonable request.
19. Reviewing Period Defined. The Protected Materials may be reviewed only during the Reviewing Period, which shall commence upon entry of this Protective Order and continue until the expiration of the Commission's plenary jurisdiction. The Reviewing Period shall reopen if the Commission regains jurisdiction due to a remand as provided by law. Protected materials that are admitted into the evidentiary record or accompanying the evidentiary record as offers of proof may be reviewed throughout the pendency of this proceeding and any appeals.
20. Procedures for Making Copies of Voluminous Protected Materials. Other than Highly Sensitive Protected Materials, Reviewing Parties may take notes regarding the information contained in voluminous Protected Materials made available for inspection or they may make photographic, mechanical, or electronic copies of the Protected Materials, subject to the conditions hereof; provided, however, that before photographic, mechanical, or electronic copies can be made, the Reviewing Party seeking photographic, mechanical, or electronic copies must complete a written receipt for copies on the attached form identifying each piece of Protected Materials or portions thereof the Reviewing Party will need.
21. Protected Materials to be Used Solely for the Purposes of These Proceedings. All Protected Materials shall be made available to the Reviewing Parties and their Reviewing Representatives solely for the purposes of these proceedings. Access to the Protected Materials may not be used in the furtherance of any other purpose, including, without limitation: (1) any other pending or potential proceeding involving any claim, complaint, or other grievance of whatever nature, except appellate review proceedings that may arise from or be subject to these proceedings; or (2) any business or competitive endeavor of whatever nature. Because of their statutory regulatory obligations, these restrictions do not apply to the Commission Staff or OPC.



22. Procedures for Confidential Treatment of Protected Materials and Information Derived from those Materials. Protected Materials, as well as a Reviewing Party's notes, memoranda, or other information regarding or derived from the Protected Materials are to be treated confidentially by the Reviewing Party and shall not be disclosed or used by the Reviewing Party except as permitted and provided in this Protective Order. Information derived from or describing the Protected Materials shall be maintained in a secure place and shall not be placed in the public or general files of the Reviewing Party except in accordance with the provisions of this Protective Order. A Reviewing Party must take all reasonable precautions to ensure that the Protected Materials including notes and analyses made from Protected Materials that disclose Protected Materials are not viewed or taken by any person other than a Reviewing Representative of a Reviewing Party.
23. Procedures for Submission of Protected Materials. If a Reviewing Party tenders for filing any Protected Materials, including Highly Sensitive Protected Materials, or any written testimony, exhibit, brief, motion, or other type of pleading or other submission at the Commission or before any other judicial body that quotes from Protected Materials or discloses the content of Protected Materials, the confidential portion of such submission shall be filed and served in sealed envelopes or other appropriate containers endorsed to the effect that they contain Protected Material or Highly Sensitive Protected Material and are sealed pursuant to this Protective Order. If filed at the Commission, such documents shall be marked "PROTECTED MATERIAL" and shall be filed under seal with the Presiding Officer and served under seal to the counsel of record for the Reviewing Parties. The Presiding Officer may subsequently, on his/her own motion or on motion of a party, issue a ruling respecting whether or not the inclusion, incorporation or reference to Protected Materials is such that such submission should remain under seal. If filing before a judicial body, the filing party: (1) shall notify the party which provided the information within sufficient time so that the providing party may seek a temporary sealing order; and (2) shall otherwise follow the procedures set forth in Rule 76a, Texas Rules of Civil Procedure.
24. Maintenance of Protected Status of Materials During Pendency of Appeal of Order Holding Materials are not Protected Materials. In the event that the Presiding Officer at any time in the course of this proceeding finds that all or part of the Protected Materials

are not confidential or proprietary, by finding, for example, that such materials have entered the public domain or materials claimed to be Highly Sensitive Protected Materials are only Protected Materials, those materials shall nevertheless be subject to the protection afforded by this Protective Order for three (3) full working days, unless otherwise ordered, from the date the party asserting confidentiality receives notice of the Presiding Officer's order. Such notification will be by written communication. This provision establishes a deadline for appeal of a Presiding Officer's order to the Commission. In the event an appeal to the Commissioners is filed within those three (3) working days from notice, the Protected Materials shall be afforded the confidential treatment and status provided in this Protective Order during the pendency of such appeal. Neither the party asserting confidentiality nor any Reviewing Party waives its right to seek additional administrative or judicial remedies after the Commission's denial of any appeal.

25. Notice of Intent to Use Protected Materials or Change Materials Designation. Parties intending to use Protected Materials shall notify the other parties prior to offering them into evidence or otherwise disclosing such information into the record of the proceeding. During the pendency of Docket No. \_\_\_\_\_ at the Commission, in the event that a Reviewing Party wishes to disclose Protected Materials to any person to whom disclosure is not authorized by this Protective Order, or wishes to have changed the designation of certain information or material as Protected Materials by alleging, for example, that such information or material has entered the public domain, such Reviewing Party shall first file and serve on all parties written notice of such proposed disclosure or request for change in designation, identifying with particularity each of such Protected Materials. A Reviewing Party shall at any time be able to file a written motion to challenge the designation of information as Protected Materials.
26. Procedures to Contest Disclosure or Change in Designation. In the event that the party asserting confidentiality wishes to contest a proposed disclosure or request for change in designation, the party asserting confidentiality shall file with the appropriate Presiding Officer its objection to a proposal, with supporting affidavits, if any, within five (5) working days after receiving such notice of proposed disclosure or change in designation. Failure of the party asserting confidentiality to file such an objection within this period

shall be deemed a waiver of objection to the proposed disclosure or request for change in designation. Within five (5) working days after the party asserting confidentiality files its objection and supporting materials, the party challenging confidentiality may respond. Any such response shall include a statement by counsel for the party challenging such confidentiality that he or she has reviewed all portions of the materials in dispute and without disclosing the Protected Materials, a statement as to why the Protected Materials should not be held to be confidential under current legal standards, or alternatively that the party asserting confidentiality for some reason did not allow such counsel to review such materials. If either party wishes to submit the material in question for *in camera* inspection, it shall do so no later than five (5) working days after the party challenging confidentiality has made its written filing.

27. Procedures for Presiding Officer Determination Regarding Proposed Disclosure or Change in Designation. If the party asserting confidentiality files an objection, the appropriate Presiding Officer will determine whether the proposed disclosure or change in designation is appropriate. Upon the request of either the producing or reviewing party or upon the presiding officer's own initiative, the presiding officer may conduct a prehearing conference. The burden is on the party asserting confidentiality to show that such proposed disclosure or change in designation should not be made. If the Presiding Officer determines that such proposed disclosure or change in designation should be made, disclosure shall not take place earlier than three (3) full working days after such determination unless otherwise ordered. No party waives any right to seek additional administrative or judicial remedies concerning such Presiding Officer's ruling.
28. Maintenance of Protected Status During Periods Specified for Challenging Various Orders. Any party electing to challenge, in the courts of this state, a Commission or Presiding Officer determination allowing disclosure or a change in designation shall have a period of ten (10) days from: (1) the date of an unfavorable Commission order; or (2) if the Commission does not rule on an appeal of an interim order, the date an appeal of an interim order to the Commission is overruled by operation of law, to obtain a favorable ruling in state district court. Any party challenging a state district court determination allowing disclosure or a change in designation shall have an additional period of ten (10) days from the date of the order to obtain a favorable ruling from a state appeals court.

Finally, any party challenging a determination of a state appeals court allowing disclosure or a change in designation shall have an additional period of ten (10) days from the date of the order to obtain a favorable ruling from the state supreme court, or other appellate court. All Protected Materials shall be afforded the confidential treatment and status provided for in this Protective Order during the periods for challenging the various orders referenced in this Paragraph. For purposes of this Paragraph, a favorable ruling of a state district court, state appeals court, supreme court or other appellate court includes any order extending the deadlines set forth in this Paragraph.

29. Other Grounds for Objection to Use of Protected Materials Remain Applicable. Nothing in this Protective Order shall be construed as precluding any party from objecting to the use of Protected Materials on grounds other than confidentiality, including the lack of required relevance. Nothing in this Protective Order constitutes a waiver of the right to argue for more disclosure, provided, however, that unless and until such additional disclosure is ordered by the Commission or a court, all parties will abide by the restrictions imposed by the Protective Order.
30. Protection of Materials from Unauthorized Disclosure. All notices, applications, responses, or other correspondence shall be made in a manner which protects Protected Materials from unauthorized disclosure.
31. Return of Copies of Protected Materials and Destruction of Information Derived from Protected Materials. Following the conclusion of these proceedings, each Reviewing Party must, no later than thirty (30) days following receipt of the notice described below, return to the party asserting confidentiality all copies of the Protected Materials provided by that party pursuant to this Protective Order and all copies reproduced by a Reviewing Party, and counsel for each Reviewing Party must provide to the party asserting confidentiality a letter by counsel that, to the best of his or her knowledge, information, and belief, all copies of notes, memoranda, and other documents regarding or derived from the Protected Materials (including copies of Protected Materials) that have not been so returned, if any, have been destroyed, other than notes, memoranda, or other documents which contain information in a form which, if made public, would not cause disclosure of the substance of Protected Materials. As used in this Protective Order, "conclusion of these proceedings" refers to the exhaustion of available appeals, or the

running of the time for the making of such appeals, as provided by applicable law. If, following any appeal, the Commission conducts a remand proceeding, then the "conclusion of these proceedings" is extended by the remand to the exhaustion of available appeals of the remand, or the running of the time for making such appeals of the remand, as provided by applicable law. Promptly following the conclusion of these proceedings, counsel for the party asserting confidentiality will send a written notice to all other parties, reminding them of their obligations under this Paragraph. Nothing in this Paragraph shall prohibit counsel for each Reviewing Party from retaining two (2) copies of any filed testimony, brief, application for rehearing, hearing exhibit, or other pleading which refers to Protected Materials provided that any such Protected Materials retained by counsel shall remain subject to the provisions of this Protective Order.

32. Applicability of Other Law. This Protective Order is subject to the requirements of the Public Information Act, the Open Meetings Act, and any other applicable law, provided that parties subject to those acts will give the party asserting confidentiality notice, if possible under those acts, prior to disclosure pursuant to those acts.
33. Procedures for Release of Information Under Order. If required by order of a governmental or judicial body, the Reviewing Party may release to such body the confidential information required by such order; provided, however, that: (1) the Reviewing Party shall notify the party asserting confidentiality of such order at least five (5) calendar days in advance of the release of the information in order for the party asserting confidentiality to contest any release of the confidential information; (2) the Reviewing Party shall notify the producing party that there is a request for such information within five (5) calendar days of the date the Reviewing Party is notified of the request for information; and (3) the Reviewing Party shall use its best efforts to prevent such materials from being disclosed to the public. The terms of this Protective Order do not preclude the Reviewing Party from complying with any valid and enforceable order of a state or federal court with competent jurisdiction specifically requiring disclosure of Protected Materials earlier than contemplated herein.
34. Best Efforts Defined. The term "best efforts" as used in the preceding paragraph requires that the Reviewing Party attempt to ensure that disclosure is not made unless such disclosure is pursuant to a final order of a Texas governmental or Texas judicial body or

written opinion of the Texas Attorney General which was sought in compliance with the Public Information Act. The Reviewing Party is not required to delay compliance with a lawful order to disclose such information but is simply required to timely notify the party asserting confidentiality, or its counsel, that it has received a challenge to the confidentiality of the information and that the Reviewing Party will either proceed under the provisions of §552.301 of the Public Information Act, or intends to comply with the final governmental or court order.

35. Notify Defined. Notify, for purposes of Paragraphs 33 and 34, shall mean written notice to the party asserting confidentiality at least five (5) calendar days prior to release; including when a Reviewing Party receives a request under the Public Information Act. However, the Commission or OPC may provide a copy of Protected Materials to the Open Records Division of the OAG as provided herein.
36. Requests for Non-Disclosure. If the producing party asserts that the requested information should not be disclosed at all, or should not be disclosed to certain parties under the protection afforded by this Order, the producing party shall tender the information for *in camera* review to the presiding officers within 10 calendar days of the request. At the same time, the producing party shall file and serve on all parties its argument, including any supporting affidavits, in support of its position of non-disclosure. The burden is on the producing party to establish that the material should not be disclosed. The producing party shall serve a copy of the information under the classification of Highly Sensitive Protected Material to all parties requesting the information that the producing party has not alleged should be prohibited from reviewing the information. Parties wishing to respond to the producing party's argument for non-disclosure shall do so within five working days. Responding parties should explain why the information should be disclosed to them, including why disclosure is necessary for a fair adjudication of the case if the material is determined to constitute a trade secret. If the presiding officer finds that the information should be disclosed as Protected Material under the terms of this Protective Order, the presiding officer shall stay the order of disclosure for such period of time as the presiding officer deems necessary to allow the producing party to appeal the ruling to the Commission.

37. Sanctions Available for Abuse of Designation. If the presiding officer finds that a producing party unreasonably designated material as Protected Material or as Highly Sensitive Protected Material, or unreasonably attempted to prevent disclosure pursuant to Paragraph 36, the presiding officer may sanction the producing party pursuant to P.U.C. PROC. R. 22.161.
38. Modification of Protective Order. Each party shall have the right to seek changes in this Protective Order as appropriate from the presiding officer.
39. Breach of Protective Order. In the event of a breach of the provisions of this Protective Order, the producing party, if it sustains its burden of proof required to establish the right to injunctive relief, shall be entitled to an injunction against such breach without any requirements to post bond as a condition of such relief. The producing party shall not be relieved of proof of any element required to establish the right to injunctive relief. In addition to injunctive relief, the producing party shall be entitled to pursue any other form of relief to which it is entitled.

SIGNED AT AUSTIN, TEXAS as of the \_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_

**Protective Order Certification**

I certify my understanding that the Protected Materials are provided to me pursuant to the terms and restrictions of the Protective Order in this docket, and that I have been given a copy of it and have read the Protective Order and agree to be bound by it. I understand that the contents of the Protected Materials, any notes, memoranda, or any other form of information regarding or derived from the Protected Materials shall not be disclosed to anyone other than in accordance with the Protective Order and unless I am an employee of the Commission or OPC shall be used only for the purpose of the proceeding in Docket No. \_\_\_\_\_. I acknowledge that the obligations imposed by this certification are pursuant to such Protective Order. Provided, however, if the information contained in the Protected Materials is obtained from independent public sources, the understanding stated herein shall not apply.

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Signature

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Party Represented

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Printed Name

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Date

I certify that I am eligible to have access to Highly Sensitive Protected Material under the terms of the Protective Order in this docket.

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Signature

---

Party Represented

---

Printed Name

---

Date



DOCKET NO. \_\_\_\_\_

I request to view/copy the following documents:

Document requested	# of Copies	Non-Confidential	Confidential &/or H.S.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Party Represented

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

## Prior Period Over-Under Recovery of TC-2 Collections

TC-2 Class	Jun-12	Jul-12	Aug-12	Sep-12	Oct-12	Nov-12	Dec-12	Jan-13	Feb-13	Mar-13	Apr-13	May-13	Jun-13	Total
<b>Residential</b>														
Projected TC-2 Collections	4,890,072	6,511,262	7,615,215	7,856,529	7,212,451	5,849,739	4,487,173	4,512,029	5,426,892	4,870,287	3,874,298	3,884,849	4,770,354	71,760,951
Amounts Transferred to Trustee	5,579,279	7,862,500	8,337,629	7,782,931	7,509,612	6,293,683	4,961,134	3,930,106	5,573,756	3,968,762	3,652,421	5,011,540	4,596,031	75,059,383
Difference	(689,207)	(1,351,238)	(722,413)	73,598	(297,161)	(443,944)	(473,961)	581,923	(146,860)	901,525	221,878	(1,126,891)	174,324	(3,298,432)
Interest*	(5,967)	(2,179)	(2,999)	(4,097)	(5,125)	(5,311)	(5,780)	(1,311)	(1,414)	(2,052)	(2,207)	(2,440)	-	(40,857)
Administrative Fees, Servicing Fees, Operating Exp. Other True-up*	(695,174)	(1,353,417)	(725,412)	69,501	(302,286)	(449,255)	(479,741)	580,612	(148,274)	899,492	219,671	(1,129,330)	1,988,101	(1,400,974)
Charge-off True-up*													741,451	(2,772,162)
<b>Total Residential True-up Adjustment</b>														
<b>Commercial Energy</b>														
Projected TC-2 Collections	2,639,193	3,273,869	3,407,176	3,402,520	3,434,269	3,080,135	2,602,985	2,448,682	2,488,052	2,342,038	2,218,196	2,331,632	2,700,016	36,588,785
Amounts Transferred to Trustee	2,911,072	3,688,752	3,604,936	3,352,260	3,680,906	3,498,421	2,593,566	2,448,656	2,465,084	2,301,473	2,334,416	3,155,168	2,721,045	36,755,735
Difference	(271,879)	(414,882)	(197,760)	50,260	(246,637)	(418,286)	9,420	26	22,969	40,565	(116,220)	(823,535)	(21,029)	(2,166,950)
Interest*	(3,114)	(1,070)	(1,405)	(1,879)	(2,383)	(2,539)	(2,790)	(647)	(689)	(1,005)	(1,109)	(1,248)	-	(19,876)
Administrative Fees, Servicing Fees, Operating Exp. Other True-up*	(74,992)	(415,952)	(199,165)	48,381	(249,020)	(420,826)	6,629	(621)	22,300	39,561	(117,328)	(824,783)	(516,567)	(723,371)
Charge-off True-up*													227,833	(2,702,383)
<b>Total Commercial Energy True-up Adjustment</b>														
<b>Commercial Demand</b>														
Projected TC-2 Collections	4,296,467	4,395,448	4,417,916	4,440,926	4,622,872	4,577,168	4,438,786	4,385,569	4,389,334	4,411,878	4,352,731	4,370,629	4,457,981	57,557,707
Amounts Transferred to Trustee	3,930,751	4,591,143	4,505,910	4,327,833	4,800,839	5,053,796	4,198,640	4,088,544	4,162,460	4,235,727	4,360,098	5,232,976	4,539,764	58,028,482
Difference	365,716	(195,696)	(87,994)	113,093	(177,967)	(476,627)	240,146	297,025	226,874	176,151	(7,367)	(862,347)	(81,782)	(470,776)
Interest*	(4,204)	(1,381)	(1,794)	(2,405)	(3,063)	(3,332)	(3,757)	(890)	(967)	(1,444)	(1,627)	(1,852)	-	(26,716)
Administrative Fees, Servicing Fees, Operating Exp. Other True-up*	(361,511)	(197,077)	(89,788)	110,688	(181,030)	(479,959)	236,389	296,135	225,907	174,707	(8,994)	(864,199)	(1,012,910)	(1,083,084)
Charge-off True-up*													151,967	(1,083,084)
<b>Total Commercial Demand True-up Adjustment</b>														
<b>Muni &amp; Cotton Gin Energy</b>														
Projected TC-2 Collections	396,417	411,724	418,989	428,896	517,842	448,611	396,146	392,957	389,798	365,293	361,005	359,625	400,139	5,287,444
Amounts Transferred to Trustee	366,302	463,043	444,481	452,914	577,425	682,513	232,847	341,784	389,250	388,699	377,899	451,739	453,631	5,689,098
Difference	30,115	(51,319)	(25,492)	(24,017)	(59,584)	(233,901)	103,299	51,173	548	(19,177)	(16,894)	(92,114)	(53,492)	(401,655)
Interest*	(392)	(134)	(175)	(239)	(319)	(366)	(392)	(91)	(98)	(145)	(161)	(181)	-	(2,693)
Administrative Fees, Servicing Fees, Operating Exp. Other True-up*	(29,723)	(51,454)	(25,667)	(24,257)	(59,902)	(234,267)	102,907	51,082	450	(19,322)	(27,855)	(92,295)	(106,186)	(106,186)
Charge-off True-up*													883	(883)
<b>Total Muni and Cotton Gin True-up Adjustment</b>														
<b>Large Industrial Firm</b>														
Projected TC-2 Collections	349,921	349,921	349,921	349,921	345,355	344,480	344,480	344,480	344,480	344,480	344,480	344,480	344,480	4,500,874
Amounts Transferred to Trustee	225,487	371,921	382,605	372,923	579,772	137,406	334,314	357,988	333,769	360,616	369,380	431,928	471,222	4,749,043
Difference	124,433	(21,700)	(32,684)	(23,002)	(234,418)	207,073	10,166	(13,519)	10,711	(36,137)	(24,901)	(87,448)	(126,743)	(248,169)
Interest*	(241)	(97)	(135)	(187)	(267)	(253)	(288)	(69)	(75)	(114)	(130)	(148)	-	(2,005)
Administrative Fees, Servicing Fees, Operating Exp. Other True-up*	(124,192)	(21,797)	(32,819)	(23,190)	(234,685)	206,820	9,878	(13,588)	10,635	(36,251)	(25,030)	(87,597)	(215,383)	(88,640)
Charge-off True-up*													-	(88,640)
<b>Total Large Industrial Firm True-up Adjustment</b>														
<b>Standby Firm</b>														
Projected TC-2 Collections	216,376	216,376	216,376	216,376	229,053	231,483	231,483	231,483	231,483	231,483	231,483	231,483	231,483	2,946,421
Amounts Transferred to Trustee	186,642	392,547	220,793	205,242	251,629	233,728	237,238	166,747	289,933	108,226	316,616	335,139	240,397	3,164,879
Difference	29,734	(176,171)	(4,417)	11,134	(22,575)	(2,245)	(6,755)	64,736	(58,450)	123,257	(85,135)	(103,656)	(8,914)	(238,458)
Interest*	(200)	(94)	(110)	(139)	(174)	(183)	(209)	(48)	(53)	(75)	(88)	(102)	-	(1,475)
Administrative Fees, Servicing Fees, Operating Exp. Other True-up*	(29,534)	(176,265)	(4,528)	10,994	(22,749)	(2,428)	(25,964)	64,688	(38,504)	123,182	(85,223)	(103,757)	(68,359)	(59,445)
Charge-off True-up*													-	(59,445)
<b>Total Standby Firm True-up Adjustment</b>														
<b>Large Industrial Non-Firm</b>														
Projected TC-2 Collections	402,277	402,277	402,277	402,277	419,541	422,850	422,850	422,850	422,850	422,850	422,850	422,850	422,850	5,411,448
Amounts Transferred to Trustee	129,526	454,427	321,279	436,897	671,117	222,417	425,051	336,328	502,051	343,082	504,187	308,922	677,588	5,333,748
Difference	272,751	(52,150)	80,998	(34,620)	(251,576)	200,433	(3,076)	86,522	(79,201)	79,768	(81,339)	113,928	(254,738)	77,700
Interest*	(139)	(95)	(125)	(186)	(278)	(274)	(318)	(75)	(85)	(126)	(147)	(161)	-	(2,009)
Administrative Fees, Servicing Fees, Operating Exp. Other True-up*	(272,613)	(52,244)	80,873	(34,806)	(251,855)	200,159	(3,395)	86,446	(79,286)	79,642	(81,484)	113,766	(354,292)	(99,554)
Charge-off True-up*													-	(99,554)
<b>Total Large Industrial Non-Firm True-up Adjustment</b>														