



Control Number: 24770



Item Number: 123

Addendum StartPage: 0



STEVE DAVIS  
CONSULTING

ELECTRIC AND  
TELECOMMUNICATIONS  
REGULATORY AND  
LEGISLATIVE

July 24, 2002

Chairman Rebecca Klein  
Commissioner Brett A. Perlman  
Public Utility Commission of Texas  
1701 N. Congress  
Austin, Texas 78701

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Re: Docket No. 24770; Report of ERCOT to the PUCT Regarding the  
Implementation of the ERCOT Protocols

Dear Chairman Klein and Commissioner Perlman:

For purposes of the record, Independent Marketers files this letter to memorialize its modified position with regard to Issue No. 13.

In response to arguments made by Commission Staff and South Texas Electric Cooperative (STEC) the workshop held on July 19, 2002, Independent Marketers modified its position on Issue No. 13 as follows: no opt-in entity may use preassigned transmission congestion rights (PCRs) after the implementation of customer choice, *with the exception of STEC and its six member distribution cooperatives*. Independent Marketers are agreeable to this narrow exception in view of STEC and its member cooperatives' stipulation and agreement in Docket No. 19265. This stipulation and agreement addresses the future filing of joint petitions requesting the division of dually certificated territory, contingent upon the election of customer choice by the individual STEC member cooperative.<sup>1</sup> STEC and its member cooperatives entered into this stipulation and agreement prior to the effective date of Senate Bill 7.

The municipally-owned utility and electric cooperative representatives on the workshop panel addressing Issue Nos. 9-15 supported and/or expressed no opposition to Independent Marketers' modified position on Issue No. 13.

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<sup>1</sup> *Application of Central and Southwest Corporation and American Electric Power Company, Inc. Regarding Proposed Business Combination*, Docket No. 19265, Stipulation and Agreement Between American Electric Power Company, Inc., Central and Southwest Corporation, Central Power and Light Company, West Texas Utilities Company, and South Texas Electric Cooperative, Inc. and its Member Distribution Cooperatives (Aug. 16, 1999).

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen J. Davis". The signature is fluid and cursive, with a prominent "S" and a trailing flourish.

Stephen J. Davis  
Attorney for Independent  
Marketers

cc: All Parties of Record