

Control Number: 25960



Item Number: 13

Addendum StartPage: 0

PUC DOCKET NO. 25960

**APPLICATION OF BRAZOS ELECTRIC
POWER COOPERATIVE, INC. TO
CHANGE RATES FOR WHOLESALE
TRANSMISSION SERVICE**

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**PUBLIC UTILITY COMMISSION
OF TEXAS**

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RESPONSE TO ORDER NO. 2

COMES NOW, the Staff (Staff) of the Public Utility Commission of Texas (PUC or Commission) and files this Response to Order No. 2, and would respectfully show as follows:

I.

On June 13, 2002, the Administrative Law Judge issued Order No. 2, among other things, requiring Staff to file a recommendation concerning Brazos Electric Power Cooperative, Inc.'s request for interim relief. Staff is hesitant to provide a recommendation on Brazos' requested interim relief, given that the Commission has granted intervenor status to at least one other party and perhaps others may be granted similar status. Under P.U.C. PROC. R. §22.125, interim relief may be granted based on the agreement of all parties. Further, under §22.125, the presiding officer may grant a contested request for interim relief after notice, an opportunity for hearing, and only on a showing of good cause. At this point in time, Staff is uncertain as to whether the parties are in agreement as to Brazos' requested interim relief. Should there be disagreement as to whether the Commission should grant Brazos' request, Staff would like to have the opportunity to participate in a hearing and provide argument along with other parties, and in response thereto if allowed.

II.

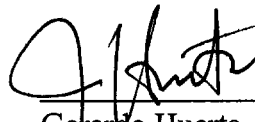
Staff and Brazos have engaged in preliminary correspondence concerning a proposed procedural schedule. Unfortunately, the undersigned's schedule over the course of this week and

last due to a litigated hearing on the merits¹ has prevented further discussion of a proposed procedural schedule. Initial proposals between Brazos and Staff considered a separate date for Staff's recommendation on interim relief. Staff will continue to discuss a proposed schedule with Brazos, and other parties in this docket. Staff would respectfully recommend that the parties continue to discuss a proposed procedural schedule including a date for any potential need for a hearing, under Proc. R. 22.125, should the parties be unable to agree on the granting of interim relief. Should the parties agree as to approval of interim relief, Staff would assume that the parties would indicate to the Commission such agreement for the Commission's consideration.

Respectfully Submitted,

Thomas S. Hunter
Division Director – Legal Division

Keith Rogas
Director – Legal Division, Electric Section

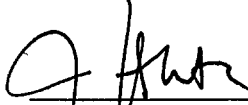


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¹ Docket No. 24577, *Application of Cap Rock Electric Cooperative Inc. to Transfer its Certificates of Convenience and Necessity to the Cap Rock Energy Corporation.*

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CERTIFICATE OF SERVICE

I, Gerardo Huerta, Attorney, certify that a copy of this document was served on all parties of record in this proceeding on June 21, 2002 by Facsimile and First Class, U.S. Mail, Postage Pre-paid in accordance with Public Utility Commission of Texas Procedural Rule 22.74.

A handwritten signature in black ink, appearing to read 'G. Huerta', is written over a horizontal line.

Gerardo Huerta
Attorney