

SUPPLEMENTAL TESTIMONY
OF
KHAKI J. BORDOVSKY
EXHIBIT KJB - 7

**SOAH DOCKET NO. 473-02-2037
PUC DOCKET NO. 25421**

| | | |
|--|----------|--------------------------------|
| PETITION OF LCRA TRANSMISSION | § | BEFORE THE STATE OFFICE |
| SERVICES CORPORATION TO | § | |
| CONFORM ITS TRANSMISSION | § | OF |
| SERVICE RATES TO ITS PREVIOUSLY | § | |
| APPROVED 2002 COST OF SERVICE | § | ADMINISTRATIVE HEARINGS |

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**ORDER NO. 6
GRANTING INTERIM RELIEF AND ABATING CASE**

On February 7, 2002, LCRA Transmission Services Corporation (the Corporation) filed a petition initiating this docket with the Public Utility Commission of Texas (Commission). On February 14, 2002, the Corporation filed a motion for interim relief. The Commission referred the case to the State Office of Administrative Hearings (SOAH) on March 1, 2002, and issued a Preliminary Order on March 22, 2002. In its Preliminary Order, the Commission noted that a rate case was the proper mechanism for the Corporation to obtain the relief requested and directed the Corporation to file a complete rate package if it wished to pursue ultimate relief. However, the Commission also concluded that the Corporation's existing filing was sufficient to confer jurisdiction to consider interim relief and the Commission directed SOAH to address the issue of whether interim relief is appropriate.

On March 28, 2002, the Administrative Law Judge (ALJ) conducted a prehearing conference and established a schedule for the interim rate proceeding. Prior to the scheduled hearing on interim relief, all parties to the case reached an agreement regarding interim rates and submitted a Stipulation and Agreement memorializing the agreement. The parties also requested that this case be returned to the Commission for issuance of an order consistent with the parties' agreement. After considering the Stipulation and Agreement, the ALJ finds that it is not appropriate to return this case to the Commission. Rather, pursuant to P.U.C. PROC. R. 22.125, it is appropriate for the ALJ to issue an order approving the interim rates and to abate this case at SOAH pending the filing of the rate package and anticipated referral of the rate case to SOAH by the Commission.

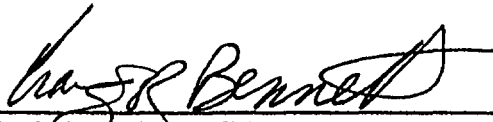
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Therefore, it is ORDERED that the interim wholesale transmission rate for the Corporation is established at a level that is the lower of (a) \$1.63 per kW, or (b) the rate sought by the Corporation in the rate case that it will file in accordance with the Preliminary Order. It is understood that the rate case will be filed by the Corporation in this docket. Pursuant to P.U.C. PROC. R. 22.125(e), the interim rate will be subject to refund or surcharge upon final order in the rate case and will be effective on the date that the Corporation files its rate case in this docket, provided that if the rate case filing is found by the Commission to be materially deficient, the interim rate will become effective on the date that the Commission enters an order determining that the Corporation's rate case filing is not materially deficient. It is understood that no signatory to the parties' Stipulation waives its right to contend that the Corporation's rate case filing is materially deficient by virtue of entering into the Stipulation. If the Corporation withdraws its application, the additional money collected by the Corporation under the interim rate increase shall be refunded.

It is further ORDERED that this case is abated, pending referral of the anticipated rate case to SOAH, and all existing settings in this docket are canceled.

SIGNED AT AUSTIN, TEXAS the 11th day of April, 2002.

STATE OFFICE OF ADMINISTRATIVE HEARINGS



CRAIG R. BENNETT
ADMINISTRATIVE LAW JUDGE

SUPPLEMENTAL TESTIMONY
OF
KHAKI J. BORDOVSKY
EXHIBIT KJB - 8

DOCKET NO. 25385

| | | |
|--------------------------------|---|---------------------------|
| APPLICATION OF ONCOR | § | PUBLIC UTILITY COMMISSION |
| ELECTRIC DELIVERY COMPANY | § | |
| FOR INTERIM UPDATE OF | § | OF TEXAS |
| WHOLESALE TRANSMISSION | § | |
| RATES PURSUANT TO | § | |
| SUBSTANTIVE RULE 25.192 (g)(1) | § | |
| AND THE FINAL ORDER IN PUC | § | |
| DOCKET NO. 22350 | § | |

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INTERIM ORDER

Background. On April 23, 2002, Oncor Electric Delivery Company (Oncor) filed its Reply to Commission Staff's Response to Order No. 5 and Request for Expedited Consideration Thereof (Oncor's Reply). Therein, Oncor agreed to the recommendations included in Commission Staff's Response to Order No. 5 (Staff's Response) and requested immediate implementation thereof on an interim basis for the period prior to the issuance of a final order by the Commission. No party filed written objections to Oncor's request. A prehearing conference was held on April 26, 2002. No objections to Oncor's Request were raised at the prehearing conference.

Basis for Interim Approval. In this docket, Oncor seeks an adjustment to its transmission cost of service and wholesale transmission rate consistent with the requirements of P.U.C. SUBST. R. 25.192(g)(1), the Filing Requirements For Interim Update of Wholesale Transmission Rates Pursuant To P.U.C. SUBST. R. 25.193(a)(1), and the Final Order in Commission Docket No. 22350. Oncor filed its application on January 31, 2002. This is the first proceeding filed with the Commission seeking relief pursuant to P.U.C. SUBST. R. 25.192(g). As a result, the completion of the docket has been delayed as the parties addressed issues of first impression.

Granting Requested Relief. The undersigned Administrative Law Judge (ALJ) finds that the interim relief requested in Oncor's Reply complies with the requirements of Commission Procedural Rule § 22.125, *Interim Relief*. The Undersigned grants the motion for interim approval of the recommendations included in Staff's Response and the interim wholesale transmission rate set forth in the attached Oncor Rate NTS, effective May 1, 2002. This interim approval should not be seen as establishing a precedent for the processing of future proceedings pursuant to P.U.C. SUBST. R. 25.192(g)(1). In light of the circumstances experienced in this docket, approval on an interim basis is warranted.

SIGNED AT AUSTIN, TEXAS the 1st day of May 2002.

PUBLIC UTILITY COMMISSION OF TEXAS

A handwritten signature in black ink, appearing to read "Mark Gentle", is written over a horizontal line.

**MARK GENTLE
ADMINISTRATIVE LAW JUDGE
POLICY DEVELOPMENT DIVISION**

**TARIFF FOR TRANSMISSION SERVICE
ONCOR ELECTRIC DELIVERY COMPANY**

3.0 Rate Schedules

Applicable: Wholesale Transmission Service

Effective Date: May 1, 2002

Sheet: 1

Revision: One

Page 1 of 1

3.1 Rate NTS - Network Transmission Service

Application

Applicable, on a non-discriminatory basis, to all wholesale electricity market participants receiving service over Company's electric facilities rated at 60 kV and above, for delivery of electric power and energy from resources to loads while maintaining reliable operation of Company's transmission system in accordance with good utility practice and Commission Substantive Rules. This rate schedule is not applicable to service offered by the Company under another rate schedule.

Type of Service

Three phase, 60 hertz, and at Company's standard transmission voltages.

Monthly Charge

Monthly charges are determined by multiplying one-twelfth of the Annual Access Rate by the monthly Customer Utility System Demand.

Annual Access Rate

\$ 4,779.383810 / MW

The above rate is being implemented in accordance with the Commission's interim transmission rate update provisions of Substantive Rule 25.192(g).

Demand Determinations

Customer's Utility System Demand is the average of the demand, expressed in kilowatts, of the Customer's retail and wholesale loads for hours that are coincident with the ERCOT system coincident peak demand for the months of June, July, August and September in the preceding calendar year.

Payment

Company must receive payment by the 35th calendar day after the date of issuance of the bill, unless the Company and the Customer agree on another mutually acceptable deadline, in accordance with applicable Commission Substantive Rules. Interest shall accrue on any unpaid amount in accordance with applicable Commission Substantive Rules.

Agreement

An Agreement for Transmission Service is required. An Interconnection Agreement is required for Customers directly connected to Company facilities.

Notice

Service hereunder is subject to the orders of regulatory bodies having jurisdiction and to the provisions of Company's Tariff for Transmission Service.