



Control Number: 25960



Item Number: 48

Addendum StartPage: 0

SOAH DOCKET NO. 473-02-3537
PUC DOCKET NO. 25960

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PUBLIC UTILITY COMMISSION
FILING CLERK

APPLICATION OF BRAZOS	§	BEFORE THE STATE OFFICE
ELECTRIC POWER COOPERATIVE,	§	
INC. TO CHANGE RATES FOR	§	OF
WHOLESALE TRANSMISSION	§	
SERVICE	§	ADMINISTRATIVE HEARINGS

PROPOSED ORDER DENYING INTERIM RATE RELIEF

Brazos Electric Cooperative, Inc. (Brazos) filed its petition initiating this docket on May 28, 2002, and requesting a rate change for its wholesale transmission service rates. Brazos requested that the Commission implement its rate change for transmission service on an interim basis pursuant to PUC SUBST. R. 22.125. The Commission referred this docket to the State Office of Administrative Hearings (SOAH) on July 9, 2002, and issued a Preliminary Order on July 30, 2002. On August 16, 2002, SOAH through the undersigned Administrative Law Judge conducted a hearing regarding Brazos' interim rate approval request. Parties participating in the hearing included Brazos, Commission Staff of the Public Utility Commission of Texas, Centerpoint Houston Electric Company, City of Garland, AEP ERCOT Companies, and TXU Energy Retail Company LLP.

A contested request for interim relief may only be granted upon a showing of good cause. The ALJ has considered the arguments of the parties and finds that Interim Relief for Brazos should not be granted. Brazos has failed to demonstrate that "good cause" exists for granting it interim rate relief. Brazos failed to demonstrate that it would be unable to meet its cash operating expenses during the pendency of this rates case, nor did it demonstrate any other basis for a good cause finding in favor of its requested interim rates.

Therefore, it is ordered that Brazos Electric Cooperative, Inc.'s request for the interim wholesale transmission rates is denied.

48

SIGNED AT AUSTIN, TEXAS, the _____ day of _____, 2002.

Deborah L. Ingraham
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS