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DOCKET NO. 26311

**APPEAL BY FRONTERA GENERATION §
LIMITED PARTNERSHIP OF ELECTRIC §
RELIABILITY COUNCIL OF TEXAS §
APPROVAL OF PROTOCOL REVISION §
338 §**

PUBLIC UTILITY COMMISSION 57

**OF TEXAS
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DOCKET NO. 26504

**APPEAL BY FRONTERA GENERATION §
LIMITED PARTNERSHIP OF ELECTRIC §
RELIABILITY COUNCIL OF TEXAS §
APPROVAL OF PROTOCOL REVISION §
347 §**

**PUBLIC UTILITY COMMISSION
OF TEXAS**

COMMISSION STAFF'S RESPONSE TO ORDER NO. 2¹

Order No. 2 requires Staff to file comments regarding Frontera's proposed consolidation of these dockets as well as a proposed procedural schedule. Staff addressed these issues in its Response to Order No. 1, but unfortunately the page (page 2) that addressed these issues was not included in the copies of the pleading.² Attached is a complete (unsigned) copy of Staff's Response to Order No. 1.

As stated in Staff's Response to Order No. 1, Staff supports Frontera's request for consolidation of these two dockets, because they deal with similar issues.

As stated in Staff's Response to Order No. 1, Staff recommends that the intervention deadline be set at the date that is 21 days after the deadline for ERCOT to complete notice, October 14, 2002. Staff believes that this period is sufficient given that entities interested in intervening in these dockets and to which notice has been provided pursuant to Order No. 2 can

¹ This pleading uses the following abbreviations: Commission – Public Utility Commission of Texas; ERCOT – Electric Reliability Council of Texas; Frontera – Frontera Generation Limited Partnership; Staff – staff of the Public Utility Commission of Texas; TIEC – Texas Industrial Energy Consumers.

be assumed to have familiarity with the Protocols Revisions at issue in these dockets. With respect to additional procedural milestones, Staff recommends that a prehearing conference be scheduled for October 14, 16, or 17, beginning at 9:30. Staff would anticipate that the prehearing conference would be recessed shortly after it is initially convened so that the parties could develop a proposed procedural schedule. Between now and the prehearing conference, Staff, Frontera, ERCOT, and TIEC plan to work on stipulated facts, with the hope that a hearing can be avoided by stipulating to facts and briefing the issues.

A draft of this pleading has been reviewed by Frontera, ERCOT, and TIEC, and they agree to the proposals contained herein.

² The electronic copy in the Commission's Interchange shows the second page.

Dated: September 30, 2002

Respectfully Submitted,

Thomas S. Hunter
Division Director - Legal and Enforcement Division



Keith Rogas
Director – Legal and Enforcement Division, Electric
Section
State Bar No. 00784867
(512) 936-7277 telephone
(512) 936-7268 fax
keith.rogas@puc.state.tx.us

Public Utility Commission of Texas
1701 North Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326

CERTIFICATE OF SERVICE

I, Keith Rogas, certify that copies of this document will be served on all parties on
September 30, 2002, by fax.



Keith Rogas

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DOCKET NO. 26504

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COMMISSION STAFF'S RESPONSE TO ORDER NO. 1¹

Staff believes that notice of these dockets should be provided to all QSEs and to the ERCOT WMS and PRS email exploders. QSEs are the entities from which ERCOT procures the service at issue in these dockets (OOMC), and are also the entities that pay for this service.² WMS is the ERCOT stakeholder subcommittee that addresses wholesale power issues such as the issues in this docket, and PRS is the ERCOT stakeholder subcommittee that first considers Protocol Revision Requests, such as the ones at issue in these dockets. The WMS and PRS email exploders include not only WMS and PRS members, but also other persons that are interested in WMS and PRS issues. ERCOT maintains the list of QSEs and has expressed a willingness to provide the types of notice that Staff is proposing. Staff recommends that the notice consist of copies of the applications and the order covering notice and the initial procedural schedule.

¹ This pleading uses the following abbreviations: Commission – Public Utility Commission of Texas; ERCOT – Electric Reliability Council of Texas; Frontera – Frontera Generation Limited Partnership; OOMC – out-of-merit capacity service; PRS – Protocol Revision Subcommittee; QSE – qualified scheduling entity; Staff – staff of the Public Utility Commission of Texas; WMS – Wholesale Market Subcommittee.

Staff recommends that the order covering notice and the initial procedural schedule give ERCOT seven days from the issuance of the order to complete notice and that the intervention deadline be set at the date that is 21 days after the deadline for ERCOT to complete notice. Staff believes that this period is sufficient given that entities interested in intervening in this docket and to which notice would be provided under Staff's proposal can be assumed to have familiarity with the Protocols Revisions at issue in this docket.

Staff also recommends that the order establish a mandatory meeting of the parties on or about seven days after the intervention deadline. The purpose of the meeting would include beginning an effort to stipulate to facts and agree to a briefing schedule, and thereby avoid a hearing.

Staff supports Frontera's request for consolidation of these two dockets, because they deal with similar issues.

² See Protocols §§6.1.10-11.

ATTACHMENT

Dated: September 4, 2002

Respectfully Submitted,

Thomas S. Hunter
Division Director - Legal and Enforcement Division

Keith Rogas
Director – Legal and Enforcement Division, Electric
Section
State Bar No. 00784867
(512) 936-7277 telephone
(512) 936-7268 fax
keith.rogas@puc.state.tx.us

Public Utility Commission of Texas
1701 North Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326

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Keith Rogas