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DOCKET NO. 31243

COMPLAINT OF TXU PORTFOLIO
MANAGEMENT COMPANY LP AND
TXU ENERGY RETAIL COMPANY LP
AGAINST THE ELECTRIC
RELIABILITY COUNCIL OF TEXAS

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§

BEFORE THE
PUBLIC UTILITY COMMISSION
OF TEXAS

Motion to Intervene of CPS Energy

CPS Energy¹ moves to intervene in the above-numbered and styled docket and in support shows:

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I. Brief Background

TXU Portfolio Management Company LP (TXU Portfolio Management) and TXU Energy Retail Company LP (TXU Energy) (collectively TXU) filed their complaint on June 15, 2005 against the Electric Reliability Council of Texas (ERCOT) "for the erroneous imposition of Balancing Energy (referred to herein as 'Load Imbalance') charges in violation of PURA, the Substantive Rules of the Public Utility Commission of Texas ('Commission'), and the ERCOT Protocols."² The Load Imbalance resulted, TXU alleges, from meter data represented by two different wholesale points of delivery that ERCOT "inadvertently double-counted"³ in latter 2001. TXU avers that entities

¹ CPS Energy is the d/b/a of City Public Service of San Antonio, acting by and through the City Public Service Board.

² *Complaint of TXU Portfolio Management Company LP and TXU Energy Retail Company LP against the Electric Reliability Council of Texas* (TXU Complaint) at 2.

³ *Id.* at 3.

potentially affected by the relief it requests are Qualified Scheduling Entities (QSEs).⁴

II. CPS Energy's Justiciable Interest

CPS Energy is currently and was in 2001 a QSE representing a Load Serving Entity (LSE) in the ERCOT market that may be affected by the costs at issue in the TXU Complaint. At this time it is unclear how the relief sought by TXU, if granted, would be "resettled," but either normal resettlement procedures or an *ad hoc* approach have the potential to adversely affect CPS Energy as a QSE representing a LSE in the ERCOT market currently and in 2001. CPS Energy thus has a justiciable interest in the outcome of this proceeding.

III. Authorized Representative

CPS Energy requests that all documentation in this proceeding be served on the following CPS Energy authorized representatives:

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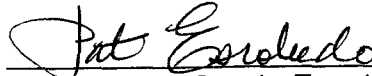
IV. Conclusion

For the reasons stated above, CPS Energy requests the Commission grant its motion to intervene.

⁴ *Id.* at 4.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that a copy of this document was served on all parties of record in this proceeding on July __1__, 2005, via first class mail, hand delivery, or facsimile.



Patricia Ana Garcia Escobedo