



Control Number: 38275



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**DOCKET NO. 38275**

**FILING OF LUMINANT GENERATION  
COMPANY LLC TO ESTABLISH DATE  
TO TRANSFER ELECTRIC SERVICE  
IN COMPLIANCE WITH DOCKET NO.  
30037**

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**PUBLIC UTILITY COMMISSION  
OF TEXAS**

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**ORDER NO. 1  
REQUIRING COMMENT/RECOMMENDATION ON APPLICATION,  
PROPOSED NOTICE AND PROCEDURAL SCHEDULE**

On September 17, 2010 and September 22, 2010, Rusk County Electric Cooperative, Inc. (Rusk County or Applicant) filed a request with the Public Utility Commission of Texas (Commission) for enforcement of Commission Order and request to close proceeding. Rusk County alleges that Luminant Generation Company, LLC (Luminant) has failed to comply with the Commission's Order in Docket No. 30037.<sup>1</sup>

The Commission's Order on Rehearing in Docket No. 30037, affirmed the Commission's findings that Luminant Generation is in violation of PURA § 31.002(10)<sup>2</sup> when it provides electric service to Luminant Mining. Ordering Paragraph No. 3 ordered Luminant to file within 30 days of the date of the order a detailed plan describing the manner and timing of transferring the retail electric service for the Beckville-Tatum mining load over to Rusk County. The instant proceeding, Docket No. 38275, was established for the filing of this plan and the eventual termination of the Rusk County complaint proceedings. Rusk County requests that the Commission find that the parties are in disagreement and the Commission should terminate this proceeding. Rusk County requests that the Commission issue an order:

- 1 Finding that Rusk County has provided Luminant Generation with all required information relating to the manner and timing of the transfer of the mining loads to Rusk County;
2. Closing this proceeding;

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<sup>1</sup> *Complaint of Rusk County Electric Cooperative, Inc. Against TXU Electric Delivery Company and TXU Power, Docket No. 30037, Order on Rehearing (May 19, 2010).*

<sup>2</sup> Public Utility Regulatory Act, TEX. UTIL. CODE ANN. §§ 11.001-66.016 (Vernon 2007 & Supp. 2009) (PURA).

- 3. Requiring Luminant Generation, by a date certain, to transfer electric service and to cease the illegal provision of retail electric service to Luminant Mining Company; and
- 4. Providing such other relief as may be necessary to effectuate the relief ordered by the Commission.

*Notice.* Notice of this proceeding will be submitted for publication in the *Texas Register* on October 8, 2010.

*Requiring Recommendations Regarding Notice and Procedural Schedule.* On or before **October 7, 2010**, Commission Staff shall file comments/recommendations regarding (1) sufficiency of Rusk County’s application; (2) notice; and (3) a proposed procedural schedule for processing this docket.

SIGNED AT AUSTIN, TEXAS the 23rd day of September 2010.

**PUBLIC UTILITY COMMISSION OF TEXAS**

  
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**IRENE MONTELONGO**  
**DIRECTOR, DOCKET MANAGEMENT**