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

PUBLIC UTILITY COMMISSION
BEFORE THE
FILING CLERK

PUBLIC UTILITY COMMISSION
OF TEXAS

**RUSK COUNTY ELECTRIC COOPERATIVE, INC.'S RESPONSE TO
ONCOR ELECTRIC DELIVERY COMPANY LLC'S MOTION TO INTERVENE**

COMES NOW, Rusk County Electric Cooperative, Inc. ("Rusk County"), and files this Response to Oncor Electric Delivery Company LLC's ("Oncor") Motion to Intervene and in support thereof would show the following:

Oncor filed its Motion to Intervene on September 10, 2010. Rusk County filed its Request for Enforcement of Commission Order and Request to Close Proceeding on September 17, 2010, in which Rusk County requested the Commission close this proceeding and enforce the Final Order in Docket No. 30037. Rusk County does not believe the issues presented in this proceeding warrant participation by Oncor.

Given that the Commission found that the Beckville and Tatum mining areas are not located within Oncor's service area (FOF 32, Order on Rehearing), and Oncor argued in brief that it only provides service to the Martin Lake Station,¹ Rusk County finds Oncor's representation in its Motion to Intervene that it is "connected to the Martin Lake plant and mining areas" either inaccurate or in violation of PURA § 37.051(b).

¹ "[T]he point of delivery is clearly not only within 100 feet of Oncor's transmission facilities, it is at Oncor's transmission facilities in the switchyard. Thus, Oncor's provision of service at that point of delivery is clearly within Oncor's service area even if one looks only to Oncor's transmission facilities. Oncor would stress that if the end-use customer then improperly transports that electricity to a consuming facility outside of Oncor's service area - and Oncor takes no position on whether that has occurred in this case or not with respect to the two mining sites - that situation does not make Oncor's service improper under PURA, but instead makes the end-use customer's transmission of electricity improper under PURA." Oncor Post-Hearing Reply Brief at 6.

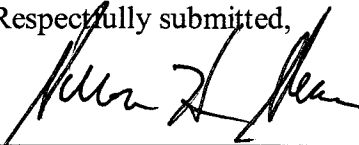
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Finally, Oncor has not participated in the discussions between Luminant Generation and Rusk County and neither party has requested Oncor's participation. However, once a deadline for transfer of service is established by the Commission, Rusk County will work with Oncor to ensure that all legal, regulatory and technical requirements are met.

WHEREFORE PREMISES CONSIDERED, Rusk County respectfully requests the Commission:

1. Find Oncor's participation in the instant proceeding unnecessary;
2. Close this proceeding; and
3. Enforce its Final Order in Docket No. 30037.

Respectfully submitted,



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**ATTORNEYS FOR RUSK COUNTY ELECTRIC
COOPERATIVE, INC.**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document was mailed by First Class, U.S. Mail, on this 21st day of September, 2010 to all parties of record and Oncor Electric Delivery Company, LLC.



Nelson H. Nease