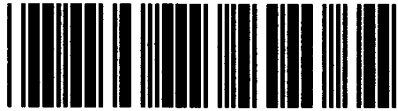




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TARIFF
DOCKET NO. 39400

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PUBLIC UTILITY COMMISSION
FILING CLERK

PETITION OF SOUTHWESTERN ELECTRIC POWER COMPANY TO REMOVE GRANDFATHERING RESTRICTIONS OF LIGHTING TARIFFS	§ § § § §	PUBLIC UTILITY COMMISSION OF TEXAS
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COMMISSION STAFF'S RECOMMENDATION ON NOTICE

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest and files this Recommendation on Notice and would show the following:

Background

On May 12, 2011, Southwestern Electric Power Company (SWEPCO) filed its Petition to Remove Grandfathering Restrictions of Lighting Tariffs. On May 16, 2011, the Director of Docket Management issued a Notice Requiring Staff Recommendation, which requires staff to file a recommendation on the methods of notice proposed by SWEPCO.

Recommendation

SWEPCO asserts that "because there is no change in rates in the outdoor lighting tariffs, publication of notice of this filing in the *Texas Register*, together with service of this filing on the Commission Staff and the Office of the Public Utility Counsel, satisfies any notice requirements."¹ The proposed tariffs will not change rates for existing service if approved by the Commission, and therefore the notice requirements of P.U.C. PROC. R. 22.51 are inapplicable. Thus, notice in this case is governed by P.U.C. PROC. R. 22.55, which requires that reasonable notice be provided to affected persons. SWEPCO proposes to remove restrictions on the applicability of the subject lighting tariffs and to make those tariffs available to all customers requesting such service in its areas.² It is probable that the proposed lighting tariff rates will differ from the current cost to eligible customers for such lighting services who do not currently take service under the lighting tariffs. Hence, all of SWEPCO's customers are potentially affected by the proposed tariff revisions and should receive notice of the Petition. Staff has discussed this matter with counsel for SWEPCO who advised that SWEPCO plans to notify all

¹ Petition at 2.

² *Id.*

customers of the Petition by including notice of the Petition with customers' bills for the billing cycle effective for June 2011. Staff agrees with this proposal.

Dated: May 23, 2011

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director
Legal Division

Keith Rogas
Deputy Division Director
Legal Division

Robert M. Long
Managing Attorney
Legal Division



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Public Utility Commission of Texas
1701 N. Congress Avenue
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Austin, Texas 78711-3326

DOCKET NO. 39400

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on this 23rd day of May, 2011 in accordance with P.U.C. Procedural Rule 22.74.



Brennan J. Foley