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PUC DOCKET NO. 40545

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PUBLIC UTILITY COMMISSION  
FILED CLERK

PETITION OF CALPINE  
CORPORATION FOR APPROVAL OF  
VOLUNTARY MITIGATION PLAN

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PUBLIC UTILITY COMMISSION  
OF TEXAS

**ORDER REQUIRING AND REQUESTING  
SUBMISSIONS OF LISTS OF ISSUES**

In order to develop a list of the contested issues to be addressed in this docket, as well as any statement of Commission policy, precedent, or position on a threshold legal issue relevant to this proceeding, Calpine and Commission Staff shall file with the Commission a list of issues to be addressed in the docket by 3:00 p.m., Friday, August 17. In addition to proposing the issues to be addressed, this pleading may also (1) identify any issue(s) that should not be addressed in the docket, and (2) identify any threshold legal and/or policy issue(s) that should be briefed for purposes of a preliminary order. Specific explanations should support proposals included in the pleading pursuant to (1) and (2). Parties shall not file responses to a list of issues unless specifically requested.

In addition, to assist the Commission in properly processing this docket, Calpine and Commission Staff shall each file a brief that addresses the following threshold issues:

1. **Is the requirement in PURA § 15.024(f) that “[t]he hearing shall be held by an administrative law judge of the State Office of Administrative Hearings” applicable to a hearing on a voluntary mitigation plan under PURA 15.023(f)?**

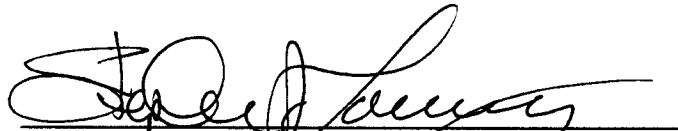
Briefs on these threshold issues are due by 3:00 p.m., Friday, August 17 and shall not exceed 10 pages. Unless specifically requested, parties shall not file responses to briefs filed pursuant to the Order.

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The Commission may consider and possibly adopt a preliminary order in this docket in the open meeting currently scheduled to convene on August 30, 2012.

**SIGNED AT AUSTIN, TEXAS the 9th day of August 2012.**

**PUBLIC UTILITY COMMISSION OF TEXAS**



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**STEPHEN JOURNEY, DIRECTOR  
COMMISSION ADVISING & DOCKET  
MANAGEMENT**

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