



Control Number: 44494



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# OPEN MEETING COVER SHEET

**MEETING DATE:** May 1, 2015

**DATE DELIVERED:** April 24, 2015

**AGENDA ITEM NO.:** 1

**CAPTION:** Docket No. 44494; SOAH Docket No. 473-15-3135 -  
Complaint of Sam Houston Race Park  
Against CenterPoint Energy Houston  
Electric, LLC

**ACTION REQUESTED:** Discussion and possible action with respect  
to Draft Preliminary Order.

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***Public Utility Commission of Texas***

TO: Chairman Donna L. Nelson  
Commissioner Kenneth W. Anderson, Jr.  
Commissioner Brandy Marty Marquez

All Parties of Record

FROM: Carlos Carrasco, Commission Advising C <

RE: May 1, 2015, Open Meeting Agenda Item No. 1  
Draft Preliminary Order, P.U.C. Docket No. 44494; SOAH Docket No. 473-15-3135 – *Complaint of Sam Houston Race Park Against CenterPoint Energy Houston Electric, LLC.*

DATE: April 24, 2015

Please find enclosed the draft preliminary order filed by Commission Advising in the above-referenced docket. The Commission will consider this draft preliminary order at the May 1, 2015 open meeting. Parties shall not file responses or comments addressing this draft preliminary order.

Any modifications to the draft preliminary order that are proposed by one or more Commissioners will be filed simultaneously prior to the consideration of the matter at the May 1, 2015 open meeting.

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COMPLAINT OF SAM HOUSTON RACE §  
PARK, LLC AGAINST CENTERPOINT §  
ENERGY HOUSTON ELECTRIC, LLC §

PUBLIC UTILITY COMMISSION  
PUBLIC UTILITY COMMISSION

OF TEXAS

**DRAFT PRELIMINARY ORDER**

On February 27, 2015, Sam Houston Race Park filed its complaint against CenterPoint Energy Houston Electric, LLC, alleging that CenterPoint failed to provide continuous and reliable service, as required by Sections 37.051, 38.001, and 38.005 of the Public Utility Regulatory Act (PURA)<sup>1</sup> and 16 Tex. Admin. Code (TAC) 25.52.<sup>2</sup> Sam Houston Race Park's claims against CenterPoint arise from several service disruptions it experienced over the past few years. Sam Houston Race Park experienced over 60 significant voltage interruptions, distribution outages, and other electrical interruptions since early 2012 that have caused the park to routinely lose power, including in the middle of live racing events.<sup>3</sup>

CenterPoint contends that the electrical service issues experienced by Sam Houston Race Park related to the need for protective equipment on Sam Houston Race Park's side of the point of delivery.<sup>4</sup> In addition, CenterPoint also asserts that it provided Sam Houston Race Park with electrical service within the steady state voltage limits of the ANSI C84.1 Range A, based on its monitoring of service to Sam Houston Race Park for three separate time periods.<sup>5</sup> CenterPoint claims that "the extent and frequency of service interruptions experienced by [Sam Houston Race Park] were a result of the sensitivity of its equipment to voltage sags that are within the

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<sup>1</sup> Public Utility Regulatory Act, Tex. Util. Code Ann. §§ 37.051, 38.001, 38.005 (West 2007 & Supp. 2014) (PURA).

<sup>2</sup> Complaint of Sam Houston Race Park Against CenterPoint Energy (Feb. 27, 2015) at 2.

<sup>3</sup> *Id.* at 1.

<sup>4</sup> CenterPoint Energy Houston Electric, LLC's Response to the Complaint of Sam Houston Race Park at 3.

<sup>5</sup> *Id.* at 5

reasonable and accepted range for such events.”<sup>6</sup> Lastly, CenterPoint asserts that it is ultimately Sam Houston Race Park’s responsibility to ensure that its sensitive equipment has adequate protection from predictable and reasonable fluctuations in power quality.<sup>7</sup>

On March 31, 2015, the Commission issued an order referring this docket to the State Office of Administrative Hearings (SOAH) and requesting that interested parties file a list of issues to be addressed in this proceeding. On April 14, 2015, Commission Staff, Sam Houston Race Park, and CenterPoint timely filed a list of issues.

### I. Issues to be Addressed

The Commission must provide to the administrative law judge (ALJ) a list of issues or areas to be addressed in any proceeding referred to SOAH.<sup>8</sup> After reviewing the pleadings submitted by the parties, the Commission identifies the following issues that must be addressed in this docket:

1. Has CenterPoint violated its obligations under PURA § 37.151 to provide continuous and adequate service to Sam Houston Race Park?
2. Has CenterPoint violated its obligations under PURA § 38.001 to furnish service, instrumentalities, and facilities that are safe, adequate, efficient, and reasonable to Sam Houston Race Park?
3. Has CenterPoint violated the electric service reliability measures set forth under PURA § 38.005?
4. Has CenterPoint violated its obligations under 16 TAC § 25.52 to make all reasonable efforts to prevent interruptions in Sam Houston Race Park’s electrical service?

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<sup>6</sup> *Id.*

<sup>7</sup> *Id.* at 6.

<sup>8</sup> Tex. Gov’t Code Ann. § 2003.049(e) (West 2008 & Supp. 2014).

5. What caused the electric service disruptions experienced by Sam Houston Race Park from 2012 to 2015?
6. Has CenterPoint monitored electric service to Sam Houston Race Park?
  - a. If so, how and when was the monitoring conducted?
  - b. Did the results of the monitoring show that the electric service provided to Sam Houston Race Park is within the applicable range of voltage limits?
  - c. Are the results of this monitoring representative of the quality of electric service that CenterPoint provided to Sam Houston Race Park during the times that Sam Houston Race Park experienced electric service disruptions from 2012 through 2015?
7. Did CenterPoint conduct repairs, upgrades, or maintenance to the Fairbanks 42 and TH Wharton feeders consistent with industry standards? If not, did CenterPoint's failure the cause of the electric service disruptions experienced by Sam Houston Race Park?
8. Did Sam Houston Race Park comply with section 5.4.1 of CenterPoint's tariff regarding the design, installation, operation, protection, and maintenance of electric facilities beyond the point of delivery?
9. Does section 5.5.3 of CenterPoint's current tariff place an affirmative duty on Sam Houston Race Park to have facilities and/or equipment on site to protect against voltage fluctuations?
  - a. If so, did Sam Houston Race Park have sufficient facilities and/or equipment on site to protect against voltage fluctuations?
  - b. If Sam Houston Race Park did not have sufficient facilities, was this failure the cause of the electric service disruption experienced by Sam Houston Race Park?
  - c. If Sam Houston Race Park did not have sufficient facilities, what is the impact, if any, to Sam Houston Race Park's complaint?

10. What remedies are available to Sam Houston Race Park under PURA or the Commission's substantive rules?
11. Does section 5.2.1 of CenterPoint's current tariff limit the remedies available to Sam Houston Race Park?

This list of issues is not intended to be exhaustive. The parties and the SOAH ALJ are free to raise and address any issues relevant in this docket that they deem necessary, subject to any limitations imposed by the SOAH ALJ, or by the Commission in future orders issued in this docket. The Commission reserves the right to identify and provide to the SOAH ALJ in the future any additional issues or areas that must be addressed, as permitted under Tex. Gov't Code Ann. § 2003.049(e).

## **II. Effect of Preliminary Order**

This Order is preliminary in nature and is entered without prejudice to any party expressing views contrary to this Order before the SOAH ALJ at hearing. The SOAH ALJ, upon his or her own motion or upon the motion of any party, may deviate from this Order when circumstances dictate that it is reasonable to do so. Any ruling by the SOAH ALJ that deviates from this Order may be appealed to the Commission. The Commission will not address whether this Order should be modified except upon its own motion or the appeal of a SOAH ALJ's order. Furthermore, this Order is not subject to motions for rehearing or reconsideration.

SIGNED AT AUSTIN, TEXAS the \_\_\_\_\_ day of May 2015.

**PUBLIC UTILITY COMMISSION OF TEXAS**

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**DONNA L. NELSON, CHAIRMAN**

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**KENNETH W. ANDERSON, JR., COMMISSIONER**

\_\_\_\_\_  
**BRANDY MARTY MARQUEZ, COMMISSIONER**

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