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PUBLIC UTILITY COMMISSION

OPEN MEETING COVER SHEET

MEETING DATE: December 1, 2016

DATE DELIVERED: November 30, 2016

AGENDA ITEM NO.: 10

CAPTION: Docket No. 45624; SOAH Docket No. 473-16-2751 - Application of the City of Garland to Amend a Certificate of Convenience and Necessity for the Rusk to Panola Double-Circuit 345-kV Transmission Line in Rusk and Panola Counties

ACTION REQUESTED: Discussion and possible action with respect to Discussion and possible action

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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: David Hrncir 
Commission Advising

RE: Agenda Item No. 10, *Application of the City of Garland to Amend a Certificate of Convenience and Necessity for the Rusk to Panola Double-Circuit 345-KV Transmission Line in Rusk and Panola Counties*, Docket No. 45624, SOAH
Docket No. 473-16-2751, Draft Order Requesting Briefing

DATE: November 30, 2016

At its November 10, 2016 open meeting, the Commission requested that Commission Advising draft an order requesting briefing in this docket.

Please find enclosed the draft order requesting briefing filed by Commission Advising in the above-referenced docket. The Commission will consider this draft order at the December 1, 2016 open meeting. Parties shall not file responses or comments addressing this draft order.

Any modifications to the draft order requesting briefing that are proposed by one or more Commissioners will be filed simultaneously prior to consideration of the matter at the December 1, 2016 open meeting..

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**PUC DOCKET NO. 45624
SOAH DOCKET NO. 473-16-2751**

APPLICATION OF THE CITY OF	§	PUBLIC UTILITY COMMISSION
GARLAND TO AMEND A	§	
CERTIFICATE OF CONVENIENCE	§	OF TEXAS
AND NECESSITY FOR THE RUSK TO	§	
PANOLA DOUBLE-CIRCUIT 345-KV	§	
TRANSMISSION LINE IN RUSK AND	§	
PANOLA COUNTIES	§	

DRAFT ORDER REQUESTING BRIEFING

On rehearing, the Commission requests briefing regarding the following issues:

1. Does the Commission's order issued on September 8, 2016, violate the dormant commerce clause of the U.S. Constitution?
2. Is the assignment of costs in the Commission's order within the Commission's authority?
3. Does the Commission's order violate the FERC's interconnection order?

Southern Cross Transmission LLC, the Texas Industrial Energy Consumers, and Commission Staff shall, and all other parties may, submit initial briefs by 12:00 PM on December 14, 2016 and reply briefs by 12:00 PM on December 28, 2016. All parties are reminded to develop their arguments and cite to legal authorities.

Signed at Austin, Texas the _____ day of December 2016.

PUBLIC UTILITY COMMISSION OF TEXAS

DONNA L. NELSON, CHAIRMAN

KENNETH W. ANDERSON, JR., COMMISSIONER

BRANDY MARTY MARQUEZ, COMMISSIONER

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