



Control Number: 46901



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JOINT PETITION OF
SOUTHWESTERN PUBLIC SERVICE
COMPANY AND SOUTHWEST
POWER POOL, INC. FOR
DECLARATORY ORDER

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PUBLIC UTILITY COMMISSION

OF TEXAS

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PUBLIC UTILITY COMMISSION
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GOLDEN SPREAD ELECTRIC COOPERATIVE, INC.'S
LIST OF ISSUES

Golden Spread Electric Cooperative, Inc. ("GSEC") submits this list of issues pursuant to the Commission's Order Requiring Filing of List of Issues. This list is not intended to be exhaustive, and GSEC reserves the right to address additional issues as this case progresses.

I. LIST OF ISSUES TO BE ADDRESSED

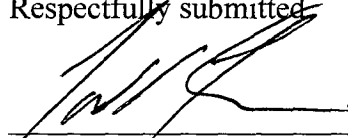
1. As a matter of policy, does the Public Utility Regulatory Act ("PURA")¹ seek to promote competition in the wholesale electricity industry in all of Texas, including, but not limited to, the construction and operation of electric transmission facilities?
2. Has the Texas Legislature enacted a right of first refusal for incumbent utilities in non-ERCOT regions of Texas in response to Federal Energy Regulatory Commission ("FERC") Order No. 1000?
3. Whether Texas law prohibits the Public Utility Commission ("PUCT" or "Commission") from conferring a Certificate of Convenience and Necessity ("CCN") for a transmission facility, located outside of the Electric Reliability Council of Texas ("ERCOT") region, to an entity that does not have the existing retail service territory in the non-ERCOT region of Texas in which the transmission facility is to be sited.
4. If Texas law does not prohibit the Commission from granting a CCN to an entity that does not have an existing retail service territory in a non-ERCOT region of Texas, then does Texas law grant a right of first refusal to an incumbent utility for the construction and operation of transmission facilities located outside of ERCOT and within that incumbent utility's retail service territory?

¹ Public Utility Regulatory Act, Tex. Util. Code Ann. §§ 11.001-66.016 (West 2007 & Supp. 2014) (PURA).

II. LIST OF ISSUES NOT TO BE ADDRESSED

1. Whether the historic federal right of first refusal for incumbent utilities ceased with FERC Order No. 1000.
2. Whether FERC Order No. 1000 is a valid and binding order.
3. Whether the Southwest Power Pool ("SPP") Open Access Transmission Tariff ("OATT") is consistent with FERC Order No. 1000 and other federal law.
4. Whether any CCN granted by the Commission prior to this docket is valid and consistent with law.

Respectfully submitted,



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ATTORNEYS FOR GOLDEN SPREAD
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Certificate of Service

It is hereby certified that a copy of the foregoing has been hand delivered or sent via facsimile transmission or first class United States mail, postage prepaid, to all parties of record in this proceeding on this the 24th day of April, 2017.

A handwritten signature in black ink, appearing to be "T. H. G.", written over a horizontal line.