

Control Number: 49795



Item Number: 42

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OPEN MEETING COVER SHEET

COMMISSIONER MEMORANDUM

MEETING DATE: December 13, 2019

DATE DELIVERED: December 12, 2019

AGENDA ITEM NO.: 3

CAPTION: Docket No. 49795; SOAH Docket No. 473-20-1118 – *Complaint of Petty Group, LLP Against Rio Grande Electric Cooperative, Inc.*

DESCRIPTION: Commissioner Memoranda

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DeAnn T. Walker
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Arthur C. D'Andrea
Commissioner

Shelly Botkin
Commissioner

John Paul Urban
Executive Director



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Public Utility Commission of Texas

TO: Chairman DeAnn T. Walker
Commissioner Arthur C. D'Andrea
Commissioner Shelly Botkin

All Parties of Record (*via electronic transmission*)

FROM: Austin Spraez *AS*
Commission Advising

RE: *Complaint of Petty Group, LLP against Rio Grande Electric Cooperative, Inc.,*
Docket No. 49795, December 13, 2019 Open Meeting, Item No. 3.

DATE: December 12, 2019

Please find enclosed a memorandum by Chairman Walker regarding the above-referenced docket. No other commissioner will file a memorandum in this docket.

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Public Utility Commission of Texas

Memorandum

TO: Commissioner Arthur C. D'Andrea
Commissioner Shelly Botkin

FROM: Chairman DeAnn T. Walker 

DATE: December 12, 2019

RE: Open Meeting of December 13, 2019 – Agenda Item No. 3
Docket No. 49795 – *Complaint of Petty Group, LLP against Rio Grande Electric Cooperative, Inc.*

I recommend that the Commission adopt the draft preliminary order with the following changes. Issues to be addressed No. 17 should be deleted and added as issue not to be addressed No. 1.

~~17. Does the Commission have jurisdiction to award damages to Petty, as a result of the excessive harmonics issue, for any equipment failures or generation installation costs?~~

II. Issue Not to be Addressed

The Commission identifies the following issue that need not be addressed in this proceeding for the reasons stated.

I. Does the Commission have jurisdiction to award damages to Petty, as a result of the excessive harmonics issue, for any equipment failures or generation installation costs?

Additionally, Section II. Effect of Preliminary Order should be modified and renumbered to conform with the above change.

III. 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.~~

The Commission's discussion and conclusions in this order regarding issues that are not to be addressed should be considered dispositive of those matters. Questions, if any, regarding issues that are not to be addressed may be certified to the Commission for clarification if the SOAH ALJ determines that such clarification is necessary. As to all other issues, 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 the non-dispositive rulings of 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.

Finally, I propose delegating to the Office of Policy and Docket Management staff the authority to modify the order to conform to the *Citation and Style Guide for the Public Utility Commission of Texas* and to make other non-substantive changes to the order for such matters as capitalization, spelling, grammar, punctuation, style, correction of numbering, and readability.

I look forward to discussing this matter with you at the open meeting.