

Control Number: 9561



Item Number: 499

Addendum StartPage: 0

DOCKET NO. 9561

APPLICATION OF CENTRAL POWER AND LIGHT §  
COMPANY FOR AUTHORITY TO CHANGE RATES §

PUBLIC UTILITY COMMISSION  
OF TEXAS

DOCKET NO. 9595

INQUIRY OF THE PUBLIC UTILITY §  
COMMISSION INTO THE PRUDENCE AND §  
EFFICIENCY OF THE PLANNING AND §  
MANAGEMENT OF THE CONSTRUCTION OF THE §  
SOUTH TEXAS NUCLEAR PROJECT REGARDING §  
CENTRAL POWER AND LIGHT COMPANY §

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PUBLIC UTILITY COMMISSION  
FILING CLERK

EXAMINER'S ORDER NO. 17  
ORDER ON LIMITED REMAND  
ORDER REGARDING NUMBER OF DOCUMENTS TO BE FILED

Attached is a copy of the Commission's Order on Limited Remand of Docket No. 9595 for consolidation with Docket No. 9561. Because Docket Nos. 9595 and 9561 have been consolidated, it is necessary for the parties to file a sufficient number of documents so that copies may be placed in each file.

Whenever a document is filed in this consolidated docket please file 12 copies if the document is a pleading (a total of 12 not 12 for each docket number) and 19 copies of briefs, reply briefs, exceptions, replies to exceptions, appeals and responses to appeals.

SIGNED AT AUSTIN, TEXAS the 26<sup>th</sup> day of September 1990.

PUBLIC UTILITY COMMISSION OF TEXAS

*Amalija J. Hodgins*  
AMALIJA J. HODGINS  
ADMINISTRATIVE LAW JUDGE

Book

DOCKET NO. 9561

APPLICATION OF CENTRAL POWER  
AND LIGHT COMPANY FOR  
AUTHORITY TO CHANGE RATES

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PUBLIC UTILITY COMMISSION  
OF TEXAS

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EXAMINER'S ORDER NO.18  
GRANTING MOTIONS TO CONSOLIDATE

Central Power and Light Company (CPL) has filed appeals from several municipal rate making ordinances and motions to consolidate those appeals with this docket. The cities request that they be grouped with the cities whose intervention was granted in Examiner's Order No. 5. No objections have been filed. The motions are GRANTED. The parties should add the following entities to their service lists:

Mayor Arturo Guajardo  
City of San Juan  
709 S. Nebraska St.  
San Juan, Texas 78589

Mayor Ronald Harwell  
City of Primera  
Primera Rd.  
Rt. 1, Box 176  
Harlingen, Texas 78550

Mayor Fidencio R. Barrera  
City of Pharr  
P.O. Drawer B  
217 W. Park  
Pharr, Texas 78577


Mayor Rodolfo Villarreal  
City of Alamo  
423 N. Tower Rd.  
Alamo, Texas 78516

Mayor H. W. Card, Jr.  
City of Harlingen  
P.O. Box 2207  
118 E. Tyler  
Harlingen, Texas 78551

Mayor C. W. Crowell  
City of Raymondville  
142 S. 7th Street  
Raymondville, Texas 78580

SIGNED AT AUSTIN, TEXAS on the 2nd day of October 1990.

PUBLIC UTILITY COMMISSION OF TEXAS

  
AMALIJA J. HODGINS  
ADMINISTRATIVE LAW JUDGE

/cst

Book

DOCKET NO. 9561

APPLICATION OF CENTRAL POWER AND LIGHT COMPANY FOR AUTHORITY TO CHANGE RATES

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PUBLIC UTILITY COMMISSION OF TEXAS

EXAMINER'S ORDER NO.19

The post hearing conference originally scheduled for 1:30 p.m. October 10, 1990, is RESCHEDULED. The rescheduling is in response to the postponement of the final order meeting in which Docket No. 8646 will be considered--from October 4, 1990, to October 9, 1990. Therefore, a post hearing conference on October 10, 1990, to discuss the implications to Docket No. 9561 of the decision in Docket No. 8646 would be premature.

The posthearing conference in Docket No. 9561 is RESCHEDULED for 1:30 p.m., Thursday, October 18, 1990.

SIGNED AT AUSTIN, TEXAS on the 9th day of October 1990.

PUBLIC UTILITY COMMISSION OF TEXAS

*Amalija J. Hodgins*  
AMALIJA J. HODGINS  
ADMINISTRATIVE LAW JUDGE

/cst

*Bar*  
DOCKET NO. 9561

APPLICATION OF CENTRAL POWER  
AND LIGHT COMPANY FOR  
AUTHORITY TO CHANGE RATES

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PUBLIC UTILITY COMMISSION  
OF TEXAS

EXAMINER'S ORDER NO. 20  
GRANTING MOTIONS TO INTERVENE

On October 2, 1990, the following cities filed a joint motion to  
intervene:

Del Rio  
Karnes City  
Lyford

Justiciable interests in the outcome of this proceeding having been shown, the motions to intervene by the cities are **GRANTED**. The cities request that they be grouped with the cities whose intervention was granted in Examiner's Order No. 5 is also **GRANTED**.

SIGNED AT AUSTIN, TEXAS on the 5<sup>th</sup> day of October 1990.

PUBLIC UTILITY COMMISSION OF TEXAS

*Amalija J. Hodgins*  
AMALIJA J. HODGINS  
ADMINISTRATIVE LAW JUDGE

/cst

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DOCKET NO. 9561

APPLICATION OF CENTRAL  
POWER AND LIGHT COMPANY  
FOR AUTHORITY TO CHANGE RATES

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PUBLIC UTILITY COMMISSION  
OF TEXAS

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EXAMINER'S ORDER NO. 6  
REQUIRING CENTRAL POWER AND LIGHT COMPANY  
TO INFORM THE EXAMINER OF THE DATE NOTICE IS COMPLETED

On July 3, 1990, Central Power and Light Company (CPL) filed a letter informing the administrative law judge (ALJ) that the San Antonio Express newspaper inadvertently failed to publish CPL's notice of application in this docket in two of the four consecutive weeks designated for publication. This newspaper serves five counties in CPL's service territory. These counties are Atascosa, Wilson, Guadalupe, Karnes and Zavala.

The newspaper will republish the notice to cover a complete four week period beginning Saturday June 30, 1990.

CPL is ORDERED to inform the ALJ of the date notice is complete. Thereafter, in compliance with Section 43(a) of the Public Utility Regulatory Act (PURA), Tex. Rev. Civ. Stat. Ann. art. 1446c (Vernon Supp. 1990), CPL's effective date shall be revised and the suspension period recalculated. The intervention deadline for affected persons from the aforementioned counties shall also be recalculated.

SIGNED AT AUSTIN, TEXAS the 6<sup>th</sup> day of July 1990.

PUBLIC UTILITY COMMISSION OF TEXAS

*Amaliya J. Hodgins*  
AMALIJA J. HODGINS  
ADMINISTRATIVE LAW JUDGE

*orig*

DOCKET NO. 9561

APPLICATION OF CENTRAL POWER  
AND LIGHT COMPANY FOR  
AUTHORITY TO CHANGE RATES

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PUBLIC UTILITY COMMISSION  
OF TEXAS

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EXAMINER'S ORDER NO. 7

GRANTING MOTION TO CONSOLIDATE AND INTERVENE

Motions to Consolidate

Central Power and Light Company (CPL) has filed appeals from several municipal rate making ordinances and motions to consolidate those appeals with this docket. No objections have been filed. The motions are **GRANTED**. The parties should add the following entities to their service lists:

Mayor Lonnie Glasscock III  
City of San Patricio  
Route 2, Box 40  
Mathis, Texas 78368

Mayor Armando Garcia  
City of San Diego  
404 South Mier  
San Diego, Texas 78384

Mayor George L. Martin  
City of Rockport  
P.O. Box 1059  
Rockport, Texas 78382

Motions to Intervene

On June 27, 1990, the following cities filed a joint motion to intervene:

Bay City  
Carrizo Springs  
Driscoll  
Edcouch  
Mission  
Rancho Viejo  
Runge

Beeville  
Columbus  
Eagle Lake  
La Feria  
Point Comfort  
Roma  
Smiley

On July 2, 1990, the following cities filed a joint motion to intervene:

Bishop  
Luling  
Pearsall  
Refugio

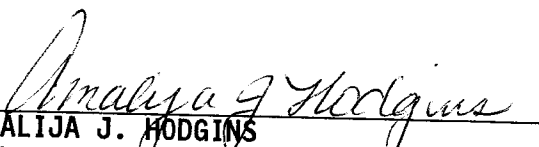
Edinburg  
Palm Valley  
Port Lavaca  
Yorktown

The cities request that they be grouped with the cities whose intervention was granted in Examiner's Order No. 5.

Justiciable interests in the outcome of this proceeding having been shown, the motion to intervene by the cities is **GRANTED**. The request for grouping is also **GRANTED**.

SIGNED AT AUSTIN, TEXAS on the 9<sup>th</sup> day of July 1990.

PUBLIC UTILITY COMMISSION OF TEXAS

  
AMALIJA J. HODGINS  
ADMINISTRATIVE LAW JUDGE

/ib



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City of Lyford

P. O. Box 310  
Lyford, Texas 78569  
PHONE 347-3512

JUL 18 1990

#9561

July 13, 1990


Administrative Law Judge Amaliya J. Hodgins  
Public Utility Commission of Texas  
7800 Shoal Creek Boulevard  
Suite 400N  
Austin, Texas 78757

Dear Judge Hodgins:

On June 22, 1990, Central Power and Light Company (CPL) filed an appeal from the final action of City of Lyford. CPL moved that its appeal be consolidated with its environs case, Docket No. 9561. It is my understanding that once the appeal is consolidated with the environs rate proceeding, our city will be placed on the service list which would mean that we would get copies of all the material filed in that docket. Please be advised that our city does not wish to receive all these documents on an ongoing basis, and I am hereby requesting that you notify all parties that they do not need to send the City of Lyford any pleadings or responses to requests for information. The City would simply appreciate receiving from the Commission any procedural orders regarding the hearing schedule, the final examiner's report when completed, and the final order of the Commission when rendered.

Thank you for your attention hereto.

Very truly yours,

  
\_\_\_\_\_  
Jesse G. Martinez, Mayor Pro-Tem  
City of Lyford

*Book*

DOCKET NO. 9561

APPLICATION OF CENTRAL POWER  
AND LIGHT COMPANY FOR  
AUTHORITY TO CHANGE RATES

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PUBLIC UTILITY COMMISSION  
OF TEXAS

EXAMINER'S ORDER NO. 9  
GRANTING MOTIONS TO CONSOLIDATE

Central Power and Light Company (CPL) has filed appeals from several municipal rate making ordinances and motions to consolidate those appeals with this docket. The cities request that they be grouped with the cities whose intervention was granted in Examiner's Order No. 5. No objections have been filed. The motions are **GRANTED**. The parties should add the following entities to their service lists:

Mayor Jose Rolando Pena  
City of Palmview  
Route 10, Box 598-B  
Mission, Texas 78572

Mayor Salvador Vela  
City of Alton  
Route 2, Box 124-00  
Mission, Texas 78572

SIGNED AT AUSTIN, TEXAS on the 23<sup>rd</sup> day of July 1990.

PUBLIC UTILITY COMMISSION OF TEXAS

*Amalija J. Hodgins*  
AMALIJA J. HODGINS  
ADMINISTRATIVE LAW JUDGE

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RECORDED  
DOCKET NO. 9561

APPLICATION OF CENTRAL POWER  
AND LIGHT COMPANY FOR AUTHORITY  
TO CHANGE RATES

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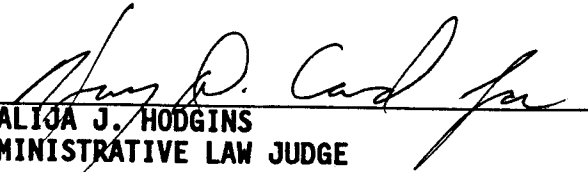
PUBLIC UTILITY COMMISSION  
OF TEXAS

EXAMINER'S ORDER NO. 10

The Office of Public Utility Counsel's request for a one-day extension of the deadline for filing the revenue requirement testimony of Randy M. Allen is GRANTED.

SIGNED AT AUSTIN, TEXAS, on this the 8th day of August, 1990.

PUBLIC UTILITY COMMISSION OF TEXAS

  
AMALIJA J. HODGINS  
ADMINISTRATIVE LAW JUDGE

Book

DOCKET NO. 9561

APPLICATION OF CENTRAL POWER  
AND LIGHT COMPANY FOR  
AUTHORITY TO CHANGE RATES

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OF TEXAS

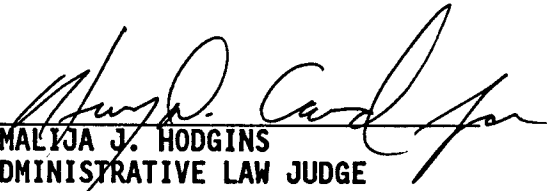
EXAMINER'S ORDER NO. 11

On August 16, 1990, Central Power and Light Company (CPL) filed a motion to extend the deadlines for filing intervenor and staff rate design testimony. CPL indicated that the extension would facilitate the parties' attempts to reach a consensus on rate design issues. CPL did not request any extension of the deadline for filing rate design rebuttal testimony or any postponement of the hearing on the merits.

Pursuant to P.U.C. PROC. R. 21.102, CPL's motion is GRANTED. Intervenor rate design testimony shall be due August 23, 1990. Staff rate design testimony shall be due August 30, 1990.

SIGNED AT AUSTIN, TEXAS, on this the 17th day of August, 1990.

PUBLIC UTILITY COMMISSION OF TEXAS

  
AMALIJA J. HODGINS  
ADMINISTRATIVE LAW JUDGE

*Book*

DOCKET NO. 9561

APPLICATION OF CENTRAL POWER  
AND LIGHT COMPANY FOR  
AUTHORITY TO CHANGE RATES

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PUBLIC UTILITY COMMISSION  
OF TEXAS

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EXAMINER'S ORDER NO. 12

GRANTING MOTIONS TO CONSOLIDATE AND INTERVENE

Motions to Consolidate

Central Power and Light Company (CPL) has filed appeals from several municipal rate making ordinances and motions to consolidate those appeals with this docket. The city requests that it be grouped with the cities whose intervention was granted in Examiner's Order No. 5. No objections have been filed. The motion is GRANTED. The parties should add the following entity to their service lists:

Mayor J. C. Barr  
City of Port Aransas  
P.O. Drawer I  
Port Aransas, Texas 78373

Motions to Intervene

On August 8, 1990, the following cities filed a joint motion to intervene:

Cotulla  
Odem  
Portland

The cities request that they be grouped with the cities whose intervention was granted in Examiner's Order No. 5.

Justiciable interests in the outcome of this proceeding having been shown, the motion to intervene by the cities is GRANTED.

SIGNED AT AUSTIN, TEXAS on the 29<sup>th</sup> day of August 1990.

PUBLIC UTILITY COMMISSION OF TEXAS

*Amalija J. Hodgins*  
AMALIJA J. HODGINS  
ADMINISTRATIVE LAW JUDGE

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DOCKET NO. 9561

APPLICATION OF CENTRAL POWER  
AND LIGHT COMPANY FOR  
AUTHORITY TO CHANGE RATES

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PUBLIC UTILITY COMMISSION  
OF TEXAS

EXAMINER'S ORDER NO. 13

GRANTING MOTIONS TO CONSOLIDATE

Central Power and Light Company (CPL) has filed appeals from several municipal rate making ordinances and motions to consolidate those appeals with this docket. The cities request that they be grouped with the cities whose intervention was granted in Examiner's Order No. 5. No objections have been filed. The motions are GRANTED. The parties should add the following entities to their service lists:

Mayor Roy Luevano  
City of Uvalde  
P.O. Box 799  
Main & Getty  
Uvalde, Texas 78802-0799

Mayor Paul Soechting  
City of El Campo  
315 E. Jackson  
El Campo, Texas 77437

Mayor Alfredo Gutierrez, Jr.  
City of Del Rio  
Drawer DD  
109 W. Broadway  
Del Rio, Texas 78840

The cities request that they be grouped with the cities whose intervention was granted in Examiner's Order No. 5.

SIGNED AT AUSTIN, TEXAS on the 10th day of September 1990.

PUBLIC UTILITY COMMISSION OF TEXAS

*Amalija J. Hodgins*  
AMALIJA J. HODGINS  
ADMINISTRATIVE LAW JUDGE

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DOCKET NO. 9561

APPLICATION OF CENTRAL POWER  
AND LIGHT COMPANY FOR  
AUTHORITY TO CHANGE RATES

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OF TEXAS

EXAMINER'S ORDER NO. 14

GRANTING MOTIONS TO CONSOLIDATE

Central Power and Light Company (CPL) has filed appeals from several municipal rate making ordinances and motions to consolidate those appeals with this docket. The cities request that they be grouped with the cities whose intervention was granted in Examiner's Order No. 5. No objections have been filed. The motions are GRANTED. The parties should add the following entities to their service lists:

Mayor Lupita Paiz  
City of Sinton  
P.O. Box 1395  
Sinton, Texas 78387

Mayor Philip Allen  
City of Ganado  
P.O. Box 264  
Ganado, Texas 77963

Mayor Jessie Rodriguez, Sr.  
City of Odem  
P.O. Drawer 754  
Odem, Texas 78370

Mayor Leroy Haertig  
City of Woodsboro  
P.O. Box 632  
121 N. Wood  
Woodsboro, Texas 78393

The cities request that they be grouped with the cities whose intervention was granted in Examiner's Order No. 5.

SIGNED AT AUSTIN, TEXAS on the 10<sup>th</sup> day of September 1990.

PUBLIC UTILITY COMMISSION OF TEXAS

*Amaliya J. Hodgins*  
AMALIJA J. HODGINS  
ADMINISTRATIVE LAW JUDGE

/cst

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# Public Utility Commission of Texas

## Memorandum

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1990 SEP 12 PM 4: 29  
PUBLIC UTILITY COMMISSION  
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TO: Commissioner Marta Greytok  
Commissioner Jo Campbell  
Chairman Paul D. Meek

All Parties of Record  
Docket No. 8646  
Consolidated Docket Nos. 9595/9561

FROM: Amy Hodgins *AH*  
Administrative Law Judge

DATE: September 11, 1990

RE: Adding Consolidated Docket Nos. 9595/9561 to the Final Order Meeting agenda for October 4, 1990

In Docket No. 6668 (STP prudence) the Commission determined that it would decide STP prudence issues related to CPL at the time it considered Docket No. 8646 (CPL's then pending rate case). Docket No. 9595 was created to preserve CPL prudence issues for the Commission's consideration. Therefore, in compliance with the Commission's intent, Docket No. 9595 has been added to the agenda for the final order meeting of October 4, 1990, at which time the Commission is scheduled to consider Docket No. 8646.

Even though Docket No. 9595, which contains issues that impact both Docket Nos. 8646 and 9561 (CPL's second pending rate case, Step 2 of the proposed nonunanimous agreement), was consolidated with Docket No. 9561, this agenda addition is not intended to indicate or imply that Docket No. 9561 will be before the Commission for any purpose on October 4, 1990.

The sole purpose of placing consolidated Docket Nos. 9595/9561 on the agenda with Docket No. 8646 is to provide the Commission with the flexibility to take any action with regard to Docket No. 9595, which it finds warranted by its Docket No. 8646 decision.

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Book

DOCKET NO. 9561

APPLICATION OF CENTRAL POWER AND  
LIGHT COMPANY FOR AUTHORITY TO  
CHANGE RATES

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PUBLIC UTILITY COMMISSION  
OF TEXAS

EXAMINER'S ORDER NO. 21

Although the Commission's action in Docket No. 8646 is clear, obviating a need for a post-hearing conference, there are other issues which the administrative law judge (ALJ) would like to discuss with the parties.

All parties are requested to attend the previously scheduled post-hearing conference (set for 1:30 p.m. October 18, 1990) to discuss the following issues:

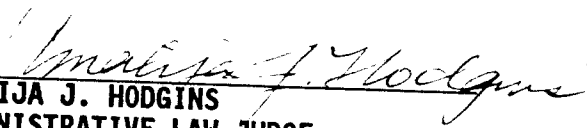
1. Mr. Butler's Motion to Withdraw as Counsel for City of Corpus Christi;
2. Identification of the Cities from which appeals of city ordinances have been filed, and granted or are pending;
3. Identification of the Cities, if any, that have not yet acted about CPL's rate change request in this docket;
4. Identification of the NUA signatories, particularly changes from the Docket No. 8646 signatories (e.g. Corpus Christi, etc.);
5. The status of QF wheeling in this docket;

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6. Any other clarifications which the ALJ may have regarding the impact of the Commission's decision in Docket No. 8646 in this case, to aid in the prompt issuance of an Examiner's Report.

SIGNED AT AUSTIN, TEXAS on this the <sup>ca</sup> 10 day of October 1990.

PUBLIC UTILITY COMMISSION OF TEXAS

  
AMALIJA J. HODGINS  
ADMINISTRATIVE LAW JUDGE

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DOCKET NO. 9561

APPLICATION OF CENTRAL POWER AND  
LIGHT COMPANY FOR AUTHORITY TO  
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OF TEXAS

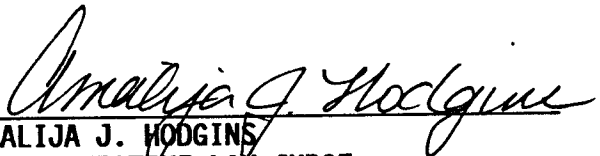
EXAMINER'S ORDER NO. 22

In preparation for the post hearing conference of October 18, 1990, the parties are requested to file, by noon on October 17, 1990, a list designating each issue raised in this docket which has been rendered res judicata by the Commission's decision in Docket No. 8646.

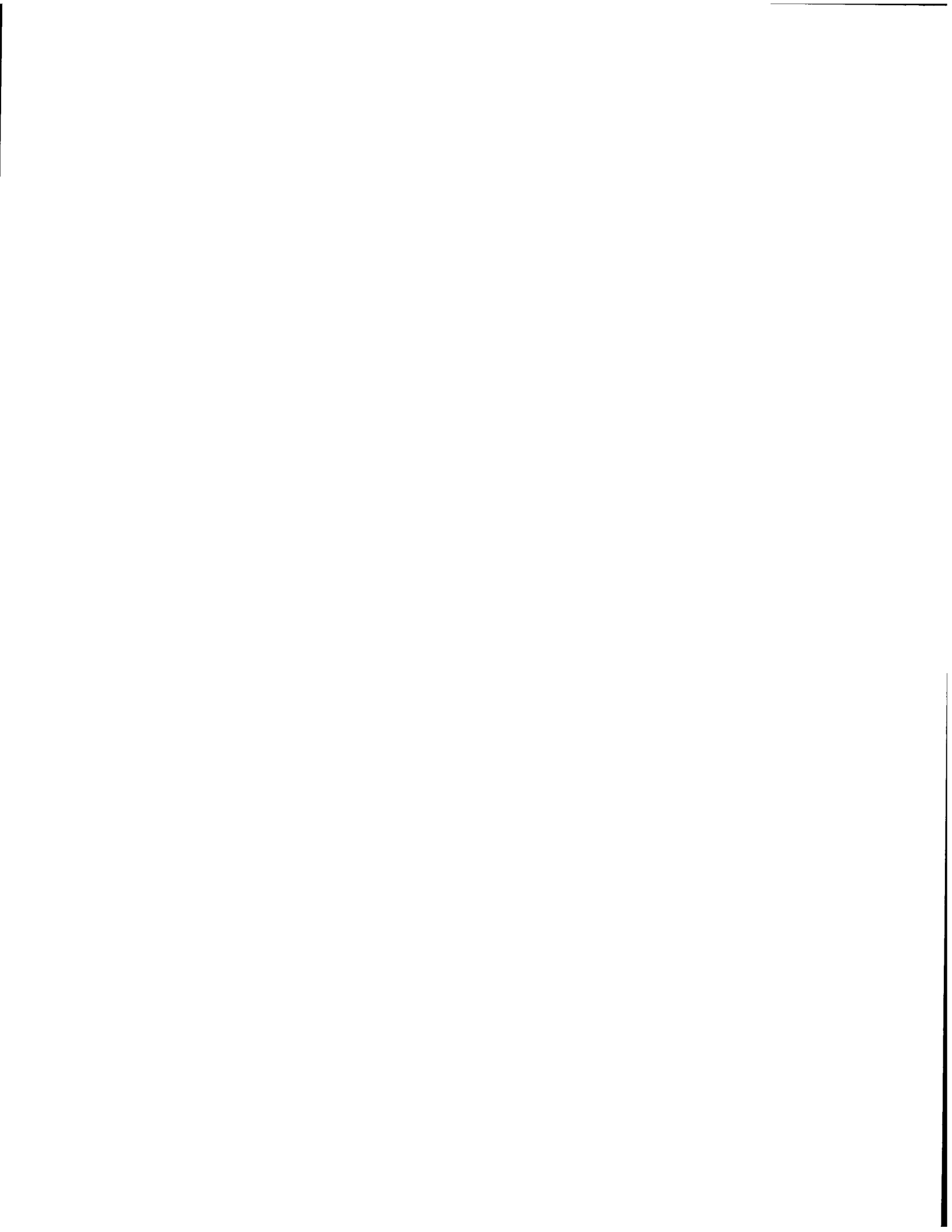
The parties should be prepared to discuss the res judicata issues at the post hearing conference.

SIGNED AT AUSTIN, TEXAS on the 11<sup>th</sup> day of October 1990.

PUBLIC UTILITY COMMISSION OF TEXAS

  
AMALIJA J. HODGINS  
ADMINISTRATIVE LAW JUDGE

AJH



DOCKET NO. 9561

APPLICATION OF CENTRAL POWER AND LIGHT COMPANY FOR AUTHORITY TO CHANGE RATES §

PUBLIC UTILITY COMMISSION OF TEXAS

DOCKET NO. 9595

INQUIRY OF THE PUBLIC UTILITY COMMISSION INTO THE PRUDENCE AND EFFICIENCY OF THE PLANNING AND MANAGEMENT OF THE CONSTRUCTION OF THE SOUTH TEXAS NUCLEAR PROJECT REGARDING CENTRAL POWER AND LIGHT COMPANY

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ORDER ON LIMITED REMAND OF DOCKET NO. 9595 TO THE HEARINGS DIVISION FOR CONSOLIDATION WITH DOCKET NO. 9561

On August 29, 1990, the Commission considered and APPROVED the parties' proposed settlement of Central Power and Light Company's (CPL's) Appeal of the administrative law judge's (ALJ's) order denying CPL's Motion to Consolidate Docket Nos. 9561 and 9595.

The parties' agreement, ADOPTED by the Commission, is set forth below:

1. Docket No. 9595 is remanded to the Hearings Division for the limited purpose of granting the motion for consolidation with Docket No. 9561 under the following conditions:

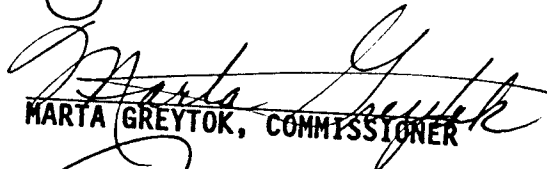
- a) The record in Docket No. 9595, without supplement, rebuttal or further clarification, is to be made part of the record in Docket No. 9561, without any additional right of discovery. The record in Docket No. 9595 will include all evidence admitted in Docket No. 6668;

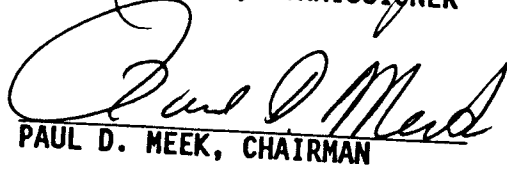
b) Docket Nos. 6668/9595 was a phase of Docket No. 8646 and should be in same relationship to Docket No. 9561.

SIGNED AT AUSTIN, TEXAS on this the 13<sup>th</sup> day of September 1990.


PUBLIC UTILITY COMMISSION OF TEXAS

SIGNED:   
JO CAMPBELL, COMMISSIONER

SIGNED:   
MARTA GREY TOK, COMMISSIONER

SIGNED:   
PAUL D. MEEK, CHAIRMAN

ATTEST:

  
MARY ROSS McDONALD  
SECRETARY OF THE COMMISSION

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has previously been consolidated with Docket No. 9561, which is the Company's next succeeding rate case. All issues in Docket No. 9595 pertaining to STP 1 are SEVERED from that case and CONSOLIDATED with Docket Nos. 8646 and 9141. All remaining issues in Docket No. 9595 are SEVERED from that case to be considered by the Commissioners as part of Docket No. 9561, and Docket No. 9595 is closed. This Order thus disposes of Docket Nos. 8646, 9141, and 9595. Docket No. 9561 is restyled *Application of Central Power and Light Co. for Rate Changes and Inquiry into the Company's Prudence with Respect to South Texas Project Unit 2*.

4. No later than 20 days after the date of this Order, CPL shall file with the Commission five copies of a proposed tariff designed to implement this Order and to generate revenues no greater than those prescribed by this Order; CPL shall concurrently file one copy of the proposed tariff with each party. No later than 10 days after the date of the tariff filing or the date of this Order, whichever is later, the parties shall file any objections to the tariff proposal, and general counsel shall file the staff's comments recommending approval, modification, or rejection of the individual sheets of the proposed tariff. Any responses to comments and objections must be filed no later than 15 days after the filing of the tariff or the date of this Order, whichever is later.

The Hearings Division shall by letter approve, modify, or reject each tariff sheet, effective the date of the letter, based upon the materials submitted to the Commission under the foregoing procedure. In the absence of written notice of modification or rejection by the Hearings Division, the proposed tariff sheets will be deemed approved and effective on the 21st day after the date of filing or the date of this Order, whichever is later.

If any sheets are modified or rejected, the Company shall file proposed revisions of those sheets in accordance with the Hearings Division letter no later than 10 days after the date of that letter, with the review procedures set out above again to apply. Copies of all documents related to the review procedure must be served on all parties and the general counsel.



Book

DOCKET NO. 9561

APPLICATION OF CENTRAL POWER AND LIGHT COMPANY FOR AUTHORITY TO CHANGE RATES §

PUBLIC UTILITY COMMISSION OF TEXAS

DOCKET NO. 9595

INQUIRY OF THE PUBLIC UTILITY COMMISSION INTO THE PRUDENCE AND EFFICIENCY OF THE PLANNING AND MANAGEMENT OF THE CONSTRUCTION OF THE SOUTH TEXAS NUCLEAR PROJECT REGARDING CENTRAL POWER AND LIGHT COMPANY §

1990 SEP 14 11:18 AM PUBLIC UTILITY COMMISSION

ORDER ON LIMITED REMAND OF DOCKET NO. 9595 TO THE HEARINGS DIVISION FOR CONSOLIDATION WITH DOCKET NO. 9561

On August 29, 1990, the Commission considered and APPROVED the parties' proposed settlement of Central Power and Light Company's (CPL's) Appeal of the administrative law judge's (ALJ's) order denying CPL's Motion to Consolidate Docket Nos. 9561 and 9595.

The parties' agreement, ADOPTED by the Commission, is set forth below:

1. Docket No. 9595 is remanded to the Hearings Division for the limited purpose of granting the motion for consolidation with Docket No. 9561 under the following conditions:

- a) The record in Docket No. 9595, without supplement, rebuttal or further clarification, is to be made part of the record in Docket No. 9561, without any additional right of discovery. The record in Docket No. 9595 will include all evidence admitted in Docket No. 6668;

- b) The Examiner's Report in Docket No. 9595 and proposal for decision, as amended by the Commission, is to be considered as the Examiner's Report concerning evidence from Docket No. 9595 and is to be made part of the record in Docket No. 9561;
- c) The Examiner's Report in Docket No. 9561 will address the evidence offered and admitted in Docket No. 9561 and not that incorporated from Docket No. 9595; therefore, the Examiner in Docket No. 9561 is not required to read the record in Docket No. 9595;
- d) Testimony on STP Unit 2 prudence issues already filed in Docket No. 9561 or to be filed pursuant to the ALJ's current schedule and orders shall remain in Docket No. 9561 subject to the ALJ's orders on pending motions to strike; and
- e) The parties to Docket No. 9595 are considered parties to Docket No. 9561.

2. Rationale:

- a) Docket No. 9595 record should be available in Docket No. 9561 to support whatever the Commission's final decision as to such docket may be; and

- b) Docket Nos. 6668/9595 was a phase of Docket No. 8646 and should be in same relationship to Docket No. 9561.

SIGNED AT AUSTIN, TEXAS on this the 13<sup>th</sup> day of September 1990.

PUBLIC UTILITY COMMISSION OF TEXAS

SIGNED: *Jo Campbell*  
JO CAMPBELL, COMMISSIONER

SIGNED: *Marta Greytok*  
MARTA GREY TOK, COMMISSIONER

SIGNED: *Paul D. Meek*  
PAUL D. MEEK, CHAIRMAN

ATTEST:

*Mary Ross McDonald*  
MARY ROSS McDONALD  
SECRETARY OF THE COMMISSION

nr



Book

APPLICATION OF CENTRAL POWER  
AND LIGHT COMPANY FOR  
AUTHORITY TO CHANGE RATES

RECEIVED  
DOCKET NO. 9561  
1990 SEP 17 PM 3:44  
PUBLIC UTILITY COMMISSION  
FILED CLERK

PUBLIC UTILITY COMMISSION  
OF TEXAS

EXAMINER'S ORDER NO. 15

GRANTING MOTIONS TO CONSOLIDATE

Central Power and Light Company (CPL) has filed appeals from several municipal rate making ordinances and motions to consolidate those appeals with this docket. No objections have been filed. The motions are GRANTED. The parties should add the following entities to their service lists:

Mayor John Puhl  
City of Palm Valley  
1313 Stuart Place Rd.  
Harlingen, Texas 78552

Mayor Joe D. Hermes  
City of Edna  
105 S. Allen  
Edna, Texas 77957

Mayor Victor Gaenzel, Jr.  
City of Pleasanton  
P.O. Box 209  
108 2nd Street  
Pleasanton, Texas 78579

Mayor Rudy de la Vina, Jr.  
City of Edinburg  
P.O. Box 1079  
210 W. McIntyre  
Edinburg, Texas 78540

Mayor Eugene Czaja  
City of Yorktown  
P.O. Box 605  
102 W. Main  
Yorktown, Texas 78164

Mayor Bill Webb  
City of Refugio  
P.O. Drawer 1285  
Refugio, Texas 78374

Mayor Keith Bellamy  
City of Bishop  
P.O. Box 356  
115 S. Ash  
Bishop, Texas 78343

Mayor Bill Webb  
City of Portland  
P.O. Drawer 1285  
Portland, Texas 78374

Mayor Roberto Barrientos  
City of Eagle Pass  
P.O. Box 4019  
100 S. Monroe Street  
Eagle Pass, Texas 78853

Mayor Norma Garcia  
City of Mercedes  
P.O. Box 837  
400 S. Ohio  
Mercedes, Texas 78570

Mayor Keith Bellamy  
City of Driscoll  
P.O. Box 356  
115 S. Ash  
Driscoll, Texas 78343

Mayor Joe Chisum  
City of Leakey  
P.O. Box 457  
Forth Street  
Leakey, Texas 78873

Mayor Pat O'Bryant  
City of Camp Wood  
P.O. Box 130  
109 W. Forth Street  
Camp Wood, Texas 78833

Mayor Rod Sadler  
City of Kingsville  
P.O. Box 1458  
200 E. Kleberg  
Kingsville, Texas 78363

Mayor Michael Braden  
City of Sabinal  
P.O. Box 838  
501 N. Center  
Sabinal, Texas 78881

Mayor Daulton Braden  
City of Runge  
P.O. Box 206  
306 N. Helena  
Runge, Texas 78151

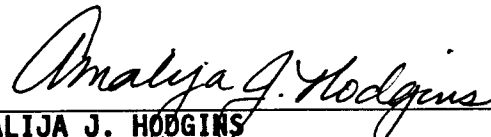
Mayor Don Tymrak  
City of Karnes City  
P.O. Box 399  
314 E. Calvert  
Karnes City, Texas 78118

Mayor Ruhmann C. Franklin  
City of Kenedy  
P.O. Box 539  
303 W. Main  
Kenedy, Texas 78119

The cities request that they be grouped with the cities whose intervention was granted in Examiner's Order No. 5.

SIGNED AT AUSTIN, TEXAS on the 17<sup>th</sup> day of September 1990.

PUBLIC UTILITY COMMISSION OF TEXAS

  
AMALIYA J. HODGINS  
ADMINISTRATIVE LAW JUDGE

/cst



# Public Utility Commission of Texas

7800 Shoal Creek Boulevard · Suite 400N

Austin, Texas 78757 · 512/458-0100

RECEIVED

1990 SEP 26 PM 4: 26

PUBLIC UTILITY COMMISSION  
FILING CLERK

Jo Campbell  
Commissioner

Marta Greytok  
Commissioner

Paul D. Meek  
Chairman

September 26, 1990

TO ALL PARTIES OF RECORD Docket Nos. 8646, 9141, 9595, and 9561 -  
Central Power and Light Company (CPL) rate case and South Texas Nuclear  
Project prudence case involving CPL

Dear Sir or Madam:

The Commissioners have decided to postpone consideration of the Examiners' Reports issued in Docket Nos. 8646 and 9141 and in Docket No. 6668, now Docket No. 9595. Those cases will not be heard on Thursday, October 4, 1990, at 9:00 a.m. as you were previously notified. Instead, those cases will be heard on Tuesday, October 9, at 10:00 a.m. The deadline for replies to exceptions to the Examiners' Report in Docket Nos. 8646 and 9141 has not been changed.

Also, attached is a copy of a letter from Suzanne J. Nelson, Ed.D., Superintendent of Schools, Tuloso-Midway Independent School District, expressing a desire to speak at the final order meeting at which the Examiners' Reports in these cases are heard.

Sincerely,

Elizabeth Hagan Drews  
Administrative Law Judge

cc: Suzanne J. Nelson

**Tuloso-Midway Independent School District**  
**P.O. Box 10900**  
**Corpus Christi, Texas 78460-0900**  
**[512] 241-3286**

September 19, 1990

Ms. Mary Ross McDonald  
Secretary, Public Utilities Commission  
State of Texas  
7800 Shoal Creek Blvd.  
#400 North  
Austin, Texas 78757

1990 SEP 25 AM 8 03

Dear Ms. Ross:

The Tuloso-Midway Independent School District would like to go on record as opposing additional rate hikes proposed by Central Power and Light Company in the city of Corpus Christi.

School systems have been and are faced with serious budgetary problems caused by the unwillingness on the part of the legislature to properly fund them and by local taxpayers who continue to oppose any kind of tax rate hikes.

In our particular school district our electricity bill exceeds \$600,000 per year. That cost can be prorated at \$218.00 per student per year. To put this figure into perspective, it is important for you to realize that the total budget of the campus operations (including instructional materials) comes to less than one-half of our annual electric bill which means we are spending twice as much on electricity as we are spending for instruction. With the exception of payroll, electricity is the single most expensive item to the budget to the school district.

We find it difficult to understand why the schools and school children of South Texas should be held hostage because of the mismanagement and cost overrun of the South Texas Nuclear Power Plant. You are asking us to mortgage our children's present, for Central Power and Light's future.

On behalf of the Board of Trustees, Administration and patrons we are requesting the opportunity to speak at the hearing on October 4, 1990.

Sincerely,

*Suzanne J. Nelson*  
Suzanne J. Nelson, Ed.D.  
Superintendent of Schools

SJN/gm

9/25/90 Copies to:

Commissioner Campbell  
Commissioner Greytok  
Chairman Meek  
Liz Drews  
Jeff Friedman  
Steve Davis



Book

DOCKET NO. 9561

APPLICATION OF CENTRAL POWER  
AND LIGHT COMPANY FOR  
AUTHORITY TO CHANGE RATES

§  
§  
§

PUBLIC UTILITY COMMISSION  
  
OF TEXAS

EXAMINER'S ORDER NO. 16

GRANTING MOTIONS TO CONSOLIDATE  
AND MOTIONS TO INTERVENE

RECEIVED  
1990 SEP 26 PM 2:34  
PUBLIC UTILITY COMMISSION  
FILINGS CLERK

Motions to Consolidate

Central Power and Light Company (CPL) has filed appeals from several municipal rate making ordinances and motions to consolidate those appeals with this docket. The cities request that they be grouped with the cities whose intervention was granted in Examiner's Order No. 5. No objections have been filed. The motions are GRANTED. The parties should add the following entities to their service lists:

Mayor Kay Phillips  
City of Bayside  
P.O. Box 194  
Bayside Community Center  
Bayside, Texas 78061

Mayor Hector Casiano  
City of Donna  
921 E. Miller  
Donna, Texas 78537

Mayor Ruben Ochoa  
City of Santa Rosa  
P.O. Box 326  
413 Santa Cruz  
Santa Rosa, Texas 78593

Mayor Eva Medrano  
City of Mathis  
411 E. San Patricio  
Mathis, Texas 78368

Mayor Armando Cuellar, MD  
City of Weslaco  
500 S. Kansas  
Weslaco, Texas 78596

Mayor Mark Crawford  
City of Ingleside  
P.O. Drawer 400  
Ingleside, Texas 78382

Mayor Rodolfo S. Rodriguez  
City of Pearsall  
213 S. Oak  
Pearsall, Texas 78061

Mayor Eduardo Vela  
City of Hidalgo  
P.O. Box 187  
311 E. Esperanza  
Hidalgo, Texas 78557

Mayor Armando Garza  
City of Elsa  
P.O. Box 427  
214 E. 4th  
Elsa, Texas 78543

Mayor Jesus Rodriguez  
City of Carrizo Springs  
P.O. Box 268  
308 Pena  
Carrizo Springs, Texas 78834

Mayor Benito Perez  
City of Crystal City  
101 E. Dimmit  
Crystal City, Texas 78839

Mayor Ygnacio G. Garcia  
City of Brownsville  
P.O. Box 911  
Market Square  
Brownsville, Texas 78520

Mayor Betty Turner  
City of Corpus Christi  
P.O. Box 9296  
1201 Leopard  
Corpus Christi, Texas 78403

Mayor Pat Townsend, Jr.  
City of Mission  
900 Doherty  
Mission, Texas 78572

Mayor Ted Reed  
City of Victoria  
P.O. Box 1758  
105 W. Juan Linn  
Victoria, Texas 77902-1758

Mayor Ramon de la Fuente  
City of Asherton  
P.O. Box 368  
Asherton, Texas 78827

Mayor Jerry Riviera  
City of Gregory  
P.O. Box 297  
Gregory, Texas 78359

Mayor Jesse F. Byars  
City of La Feria  
115 E. Commercial  
La Feria, Texas 78559

Mayor Aldo Tatangelo  
City of Laredo  
P.O. Box 579  
1105 Lincoln  
Laredo, Texas 78042

Mayor Alvaro Escobedo  
City of Big Wells  
General Delivery  
Highway 85  
Big Wells, Texas 78830

Mayor Gilbert Galvan  
City of San Benito  
P.O. Box 1870  
485 N. Sam Houston  
San Benito, Texas 78586

Mayor Jose Carlos Saenz  
City of Roma  
P.O. Box 947  
Roma, Texas 78584

Mayor Calvin Byrd  
City of Port Isabel  
P.O. Box 146  
305 E. Maxan  
Port Isabel, Texas 78578

Mayor Rodolfo Farias  
City of La Joya  
P.O. Drawer H  
La Joya, Texas 78560

Mayor Joe R. Lozano  
City of Cotulla  
117 N. Front  
Cotulla, Texas 78014

Mayor Octavio Figueroa, Jr.  
City of Alice  
P.O. Drawer 3229  
Alice, Texas 78333

Mayor Robert Watson  
City of Aransas Pass  
P.O. Drawer X  
Aransas Pass, Texas 78336

Mayor Pro-Tem Frank Saldana  
City of Combes  
P.O. Box 280  
306 Templeton  
Combes, Texas 78535

Mayor John Ybanez  
City of Beeville  
400 N. Washington  
Beeville, Texas 78102

Mayor Pro-Tem Frank Moffett  
City of Dilley  
P.O. Box 230  
101 S. Commerce  
Dilley, Texas 78017

Mayor Truett Thomas  
City of Orange Grove  
P.O. Drawer 350  
Orange, Texas 78372

Mayor Espiridion Jackson  
City of Edcouch  
P.O. Box 86  
206 Hill  
Edcouch, Texas 78538

Mayor John McGinnis  
City of Lytle  
P.O. Box 743  
Lytle, Texas 78052

Mayor Bob Pinkerston  
City of South Padre Island  
P.O. Box 3410  
4501 Padre Blvd.  
South Padre Island, Texas 78597

Mayor Travis Griffin  
City of Smiley  
P.O. Box 18  
115 W. 1st  
Smiley, Texas 78159

Mayor Michael Brotzman  
City of Rio Hondo  
P.O. Box 389  
121 N. Arroyo Blvd.  
Rio Hondo, Texas 78583

Mayor William Ordner  
City of Petronila  
Rt. 3, Box 51  
Robstown, Texas 78380

Mayor W. S. "Bill" Hooper  
City of Luling  
P.O. Box 630  
509 E. Crockett  
Luling, Texas 78648

Mayor Tiney Browning  
City of Port Lavaca  
P.O. Box 105  
Port Lavaca, Texas 77979

Mayor Walter F. Hallerman  
City of Rancho Viejo  
3461 Carmen Avenue  
Rancho Viejo, Texas 78520

Mayor Carlos Perez  
City of La Villa  
P.O. Box 38  
La Villa, Texas 78562

Motions to Intervene

On September 14, 1990, the following cities filed a joint motion to intervene:

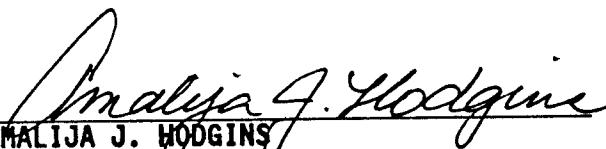
Alice  
Kingsville  
Three Rivers  
Weslaco

Ganado  
Port Aransas  
Victoria

Justiciable interests in the outcome of this proceeding having been shown, the motions to intervene by the cities are GRANTED. The cities request that they be grouped with the cities whose intervention was granted in Examiner's Order No. 5.

SIGNED AT AUSTIN, TEXAS on the 26<sup>th</sup> day of September 1990.

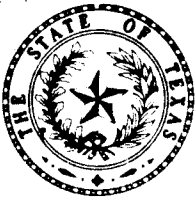
PUBLIC UTILITY COMMISSION OF TEXAS

  
AMALIJA J. HODGINS  
ADMINISTRATIVE LAW JUDGE

/cst

*Book*

*OK. 9/26/1*



## Public Utility Commission of Texas

7800 Shoal Creek Boulevard · Suite 400N

Austin, Texas 78757 · 512/458-0100

Jo Campbell  
Commissioner

Marta Greytok  
Commissioner

Paul D. Meek  
Chairman

August 2, 1990

Kathleen F. Archer, M.D.  
5022 Holly Road  
Corpus Christi, TX 78411

Dear Dr. Archer:

Thank you for your letter to the Public Utility Commission of Texas expressing your interest in the Application of Central Power & Light Company (CPL) for Authority to Change Rates.

Your letter states that "you wish to lodge a formal complaint" in the company's application for rate change. Because your request is general in nature, I will briefly describe for you the differences between intervention and participation and provide you with a phone number you may call to obtain further information.

An intervenor is a person who, upon showing a justiciable interest, is permitted to become a party to the proceeding. P.U.C. PROC. R. §21.41. Intervenors are full participants to the proceeding and make legal arguments, conduct discovery, cross-examine witnesses and are themselves, if they testify, subject to cross-examination by the other parties in the case. If you intend to intervene, you are required to file a motion to intervene with the Commission conforming to Commission rules and practice and serve the motion on all parties of record. For your convenience I have attached a copy of the current service list.


A protestant is a person opposing any matter contained in the application or petition submitted to the Commission. P.U.C. PROC. R. §21.41. Protestants are not parties to the case and may not conduct discovery, cross-examine witnesses or present a direct case. Protestants may, however, make a written or verbal statement for the record in support of, or in opposition to, the application and give information to the staff that they feel may be helpful.

If you intend to be a protestant, the Commission's practice is to hear statements of protest or support from members of the public on the morning of the first day of the hearing. The hearing on the merits in this matter has been scheduled for 10:00 a.m., Monday, August 27, 1990. The hearing will be held at the Commission's offices, 7800 Shoal Creek Boulevard, Austin, Texas. You should plan to make your statement on the morning of that first day of hearing. I suggest that you call the Hearings Division at (512) 458-0266 a few days before the hearing is to commence as hearing schedules are subject to change.

Although public comments are not sworn and therefore not treated as evidence, they help to inform the Commission and its staff of public concerns and to identify issues to be explored during the hearing. The Commission welcomes such participation in its proceedings. We ask that you limit your statement to ten minutes. In lieu of appearing at the hearing you may wish to submit your statement in writing. If you choose this alternative, your written statement should be filed with the Commission no later than 4:00 p.m. on Monday, August 20, 1990.

In future correspondence with the Commission, please refer to Docket No. 9561 which is the Commission filing number assigned to this case. If you have any questions regarding the status of the case on CPL's requested rate change, please contact the Commission's General Counsel's Office at (512) 458-0282.

Sincerely,

  
AMALIJA J. HODGINS  
ADMINISTRATIVE LAW JUDGE

/tlg

xc: All parties of record and  
Current Service List Designees  
Docket No. 9561

SERVICE LIST

DOCKET NO. 9561 (page 1 of 3)

PARTIES

REPRESENTATIVE/ADDRESS

CENTRAL POWER & LIGHT COMPANY

Nancy Leshikar/Joe N. Pratt  
REDFORD, WRAY & WOOLSEY  
6836 Austin Center Blvd., Ste. 250  
One Northpoint Centre  
Austin, TX 78731  
512/794-2100

PUBLIC UTILITY COMMISSION OF TEXAS

General Counsel Division  
PUBLIC UTILITY COMMISSION OF TEXAS  
7800 Shoal Creek Blvd., Ste. 400N  
Austin, TX 78757  
512/458-0282

OFFICE OF PUBLIC UTILITY COUNSEL

C. Kingsbery Ottmers  
7800 Shoal Creek, #290E  
Austin, TX 78757  
512/475-3700

TEXAS INDUSTRIAL ENERGY CONSUMERS

Jonathan Day  
Rex D. VanMiddlesworth  
Sheryl A. Purvis  
MAYOR, DAY & CALDWELL  
1900 NCNB Center  
Houston, TX 77002  
713/225-7000

STATE OF TEXAS

Rupaco T. Gonzalez  
Assistant Attorney General  
Public Agency Representation Section  
P. O. Box 12548, Capitol Station  
Austin, TX 78711-2548  
512/462-3773

OCCIDENTAL CHEMICAL CORPORATION

Taylor S. Davis/Marianne Carroll  
NORTON & BLAIR  
301 Congress, #1900  
Austin, TX 78701  
512/472-5997

CITIES

Don Butler  
BUTLER & CASSTEVENS  
901 Mopac Expressway South  
525 Barton Oaks Plaza Two  
Austin, TX 78746  
512/327-2812

SERVICE LIST

DOCKET NO. 9561 (page 2 of 3)

PARTIES

REPRESENTATIVE/ADDRESS

LOWER COLORADO RIVER AUTHORITY

Lawrence S. Smith  
SMALL, CRAIG & WERKENTHIN  
P. O. Box 2023  
Austin, TX 78768  
512/472-8355

COASTAL REFINING & MARKETING, INC.

Louis S. Zimmerman  
FULBRIGHT & JAWORSKI  
One American Center  
600 Congress, Suite 2400  
Austin, TX 78701  
512/474-5201

DEPARTMENT OF THE NAVY

David LaCroix  
Assistant Counsel (Code O9CG)  
Naval Facilities Eng. Command  
Hoffman Bldg. 11, Room 11N69  
200 Stovall Street  
Alexandria, VA 22332-2300

LOWER RIO GRANDE VALLEY WATER DISTRICT  
MANAGERS' ASSOCIATION (Water District)

R. Glenn Jarvis  
Raymond L. Thomas  
JARVIS, SCHWARZ & KITTLEMAN  
P. O. Box 1416  
McAllen, TX 78502  
512/686-8797

PARTIES

Mayor Robert Wilson  
City of Indian Lake  
62 S. Aztec Cove Drive  
Los Fresnos, TX 78141

Mayor Lonnie Glasscock III  
City of San Patricio  
Rt. 2, Box 40  
Mathis, TX 78368

Mayor Armando Garcia  
City of San Diego  
404 South Mier  
San Diego, TX 78384

Mayor Herb O. Grebe  
City of Taft  
501 Green Avenue  
Taft, TX 78390



SERVICE LIST

DOCKET NO. 9561 (page 3 of 3)

PARTIES

PARTIES (Continued)

REPRESENTATIVE/ADDRESS

Mayor Louise Shumate  
City of Three Rivers  
P. O. Box 398  
101 Thornton  
Three Rivers, TX 78071

Mayor August Caron  
City of George West  
P. O. Drawer F  
204 Bowie  
George West, TX 78071

Mayor Salvador Vela  
City of Alton  
Rt. 2, Box 124-00  
Mission, TX 78572

Mayor Jose R. Pena  
City of Palmview  
Rt. 10, Box 598-B  
Mission, TX 78572



Book

DOCKET NO. 9561

APPLICATION OF CENTRAL POWER  
AND LIGHT COMPANY FOR  
AUTHORITY TO CHANGE RATES

§  
§  
§

PUBLIC UTILITY COMMISSION  
OF TEXAS

FILED  
JUL 20 1990  
8 40

EXAMINER'S ORDER NO. 8

GRANTING MOTIONS TO CONSOLIDATE AND INTERVENE

Motions to Consolidate

Central Power and Light Company (CPL) has filed appeals from several municipal rate making ordinances and motions to consolidate those appeals with this docket. No objections have been filed. The motions are **GRANTED**. The parties should add the following entities to their service lists:

Mayor Leslie Cole, Sr.  
City of Fulton  
P.O. Box 1130  
Fulton, Texas 78579

Mayor August Caron  
City of George West  
P. O. Drawer F  
204 Bowie  
George West, Texas 78071

Mayor Herb O. Grebe  
City of Taft  
501 Green Avenue  
Taft, Texas 78390

Mayor Bill Swinnea  
City of Progreso Lakes  
P.O. Box 10  
Progreso Lakes, Texas 78579

Mayor Louise Shumate  
City of Three Rivers  
P.O. Box 398  
101 Thornton  
Three Rivers, Texas 78701

Motions to Intervene

On July 13, 1990, the following cities filed a joint motion to intervene:

El Campo  
Harlingen  
Santa Rosa

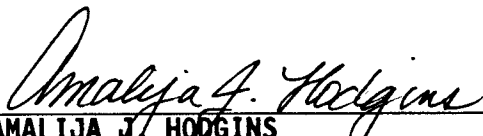
The cities request that they be grouped with the cities whose intervention was granted in Examiner's Order No. 5.

Justiciable interests in the outcome of this proceeding having been shown, the motion to intervene by the cities is **GRANTED**. The request for grouping is also **GRANTED**.

The City of Lyford's request in a letter filed July 13, 1990, to receive only procedural orders regarding the hearing schedule, the final examiner's report when completed, and the final order of the Commission is hereby noted. All parties may refrain from sending copies of any pleadings or responses to requests for information to the City of Lyford.

SIGNED AT AUSTIN, TEXAS on the 19<sup>th</sup> day of July 1990.

PUBLIC UTILITY COMMISSION OF TEXAS

  
AMALIJA J. HODGINS  
ADMINISTRATIVE LAW JUDGE

/cst

DOCKET NO. 9561

APPLICATION OF CENTRAL	§	PUBLIC UTILITY COMMISSION
POWER AND LIGHT COMPANY FOR	§	
AUTHORITY TO CHANGE RATES	§	OF TEXAS

DOCKET NO. 9595

INQUIRY OF THE PUBLIC UTILITY	§	
UTILITY COMMISSION OF TEXAS	§	
INTO THE PRUDENCE AND	§	
EFFICIENCY OF THE PLANNING	§	PUBLIC UTILITY COMMISSION
AND MANAGEMENT OF THE	§	
CONSTRUCTION OF THE SOUTH	§	OF TEXAS
TEXAS NUCLEAR PROJECT	§	
REGARDING CENTRAL POWER	§	
AND LIGHT COMPANY	§	

MOTION AND STIPULATION

TO THE HONORABLE PUBLIC UTILITY COMMISSION OF TEXAS:

WHEREAS, on May 17, 1990, Central Power and Light Company (CPL or Company) filed with the Public Utility Commission of Texas (the Commission) and with the municipalities served by CPL which have retained original jurisdiction applications to increase the rates charged within their respective original jurisdictions, said proposed changes reflecting annual revenue requirements of \$1,046,044,856 on a retail basis, based on a fully adjusted test-year including weather normalization, resulting in an increase of approximately \$106,520,351 or 11.34% on a retail basis over comparable fully adjusted test-year revenues; and

WHEREAS, the records in Docket Nos. 9561 and 9595 comprise the entire record in regard to the matters addressed herein; and

WHEREAS, a Stipulation and Joint Motion for Approval Thereof was filed on February 8, 1990 in Docket Nos. 8646, 6668 (now 9595 as to CPL), 6753 and 9141 (such document, including amendments and modifications thereto, hereinafter referred to as the "Docket 8646 Stipulation") which presented a plan for bringing CPL's investment in the South Texas Nuclear Project (STP) into CPL's rates; and

WHEREAS, this Motion and Stipulation is consistent with the plan set out in the Docket 8646 Stipulation for bringing STP into CPL's rates, and presents a proposal for a complete and final resolution of all issues in Docket No. 9561 and a final resolution of issues in Docket No. 9595 concerning the reasonable original cost of CPL's investment in STP Unit No. 2; and

WHEREAS, the Cities listed on attached Stipulation Exhibit A have taken final action, appeals thereof have been filed and such appeals have been consolidated; and

WHEREAS, certain Intervenor Cities are appearing and acting jointly herein and are presenting a consolidated case; and

WHEREAS, the Cities which have intervened in this proceeding are:

Agua Dulce  
Aransas Pass

Bay City  
Bayside  
Beeville  
Big Wells  
Bishop

Camp Wood  
Carrizo Springs  
Columbus  
Corpus Christi  
Cotulla

Devine  
Driscoll

Eagle Lake  
Edcouch  
Edna  
Edinburg  
El Campo

Goliad  
Gregory

Harlingen

Ingleside

Kenedy

La Feria  
Leakey  
Los Fresnos  
Luling

McAllen  
Mission

Odem  
Orange Grove

Palm Valley  
Pearsall  
Pharr  
Point Comfort  
Portland  
Port Lavaca

Rancho Viejo  
Raymondville  
Refugio  
Roma  
Runge

Santa Rosa  
Sinton  
Smiley  
Three Rivers

Uvalde

Yorktown

; and

WHEREAS, motions to intervene were filed by Office of Public Utility Counsel (OPC), Texas Industrial Energy Consumers (TIEC), Department of the Navy (Navy), various cities served by CPL (Cities), State of Texas (State), Lower Rio Grande Valley Water District Managers' Association (Water District), Occidental

Chemical Corporation (OxyChem), Coastal Refining and Marketing, Inc. (Coastal), Lower Colorado River Authority (LCRA), and certain cotton ginning customers of CPL (South Texas Cotton Ginners) (collectively referred to as "Intervenors," or for those signing this Motion and Stipulation, the "Signing Intervenors"); and

WHEREAS, the Signing Intervenors, Commission General Counsel and CPL desire to resolve in the manner indicated herein all outstanding issues in Docket No. 9561 and issues related to the reasonable original cost of CPL's investment in STP Unit No. 2 in Docket No. 9595; and

WHEREAS, resolution of such issues in Docket Nos. 9561 and 9595 in the manner set forth herein would allow the Signing Intervenors, Commission General Counsel and CPL to limit rate case expenses, conserve resources and avoid the uncertainty that further litigation would bring; and

WHEREAS, subject to the terms and conditions provided herein and the Exhibits hereto, CPL, the Commission General Counsel and Signing Intervenors desire the Commission to authorize the base rate increase, fixed fuel factors, fuel reconciliation, accounting treatments and rate design provided for herein based on the record evidence before the Commission in Docket Nos. 9561 and 9595 and to otherwise find the terms and conditions herein reasonable and consistent with the Commission's statutory authority and its rules and regulations;



NOW THEREFORE, CPL, Commission General Counsel and Signing Intervenors (collectively referred to as the "Signatories") by their undersigned representatives agree and stipulate as follows:

I.

**PURPOSE AND EFFECT OF THIS  
MOTION AND STIPULATION**

This Motion and Stipulation presents the agreement of the Signatories concerning the complete resolution of Docket No. 9561 and resolution of the Docket No. 9595 issues relating to the reasonable original cost of CPL's investment in STP Unit No. 2. The Signatories agree that this Motion and Stipulation is in all respects consistent with the Docket 8646 Stipulation. The Signatories agree that this Motion and Stipulation is contingent upon the Commission entering a final order or orders that are consistent with and implement the terms of the Docket 8646 Stipulation. If the Commission does not enter such final order or orders consistent with the terms of the Docket 8646 Stipulation, the Signatories do not agree to the resolution of Docket Nos. 9561 and 9595 as set out in this Motion and Stipulation, but recognize the right of each to proceed as agreed to in Article XV.

II.

**RELIEF REQUESTED**

The Signatories request the Commission to approve the base rate increase, fixed fuel factors, fuel reconciliation, accounting

treatments and rate design set out in Articles III through XIII of this Motion and Stipulation and the exhibits referred to in those Articles. The Signatories agree that the record evidence before the Commission supports resolution of Docket Nos. 9561 and 9595 (concerning the reasonable original cost of CPL's investment in STP Unit No. 2) on the terms set out in this Motion and Stipulation if the Docket 8646 Stipulation is implemented in Docket No. 8646 through entry of Commission final orders consistent with its terms. Signatories respectfully request that the Commission, based on such record evidence, make appropriate findings of fact and conclusions of law and enter the necessary orders approving the relief requested in this Motion and Stipulation.

### III.

#### REVENUE INCREASE, COST OF SERVICE, OPERATING EXPENSES

The Signatories agree that the total Company base rate revenue increase to which CPL is entitled under the terms and conditions hereof is an annual amount of \$120 million. It is agreed that the increase should become effective beginning with consumption on January 1, 1991, and thereafter. While the Signatories recognize that they cannot by agreement bind the Commission regarding the timing of permanent rate approval and effectiveness, the timing of the rate increase specified herein is absolutely essential to this Motion and Stipulation.