



Control Number: 50302



Item Number: 31

Addendum StartPage: 0

DOCKET NO. 50302

**APPLICATION OF RIO GRANDE
ELECTRIC COOPERATIVE TO
CHANGE WHOLESALE
TRANSMISSION SERVICE RATES** §
§
§
§

**PUBLIC UTILITY COMMISSION
OF TEXAS**



**STAFF'S SECOND SUPPLEMENTAL RECOMMENDATION ON SUFFICIENCY,
NOTICE, AND PROPOSED PROCEDURAL SCHEDULE**

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this Staff's Second Supplemental Recommendation on Sufficiency, Notice, and Proposed Procedural Schedule. Staff recommends that the application is sufficient. In support thereof, Staff shows the following:

I. BACKGROUND

On December 2, 2019, Rio Grande Electric Cooperative (Rio Grande) filed an application for authority to change its transmission cost of service (TCOS) and wholesale transmission rates applicable for service within the Electric Reliability Council of Texas (ERCOT) region. Rio Grande requests an annual TCOS of \$696,884 and an annual wholesale transmission rate of \$0.010046 per kilowatt, based upon a historical test year ending on December 31, 2019. Rio Grande also seeks to recover rate-case expenses incurred as a result of this docket through a surcharge. Rio Grande's most recent TCOS filing occurred in Docket No. 31250.¹ Rio Grande filed supplemental information to correct deficiencies in the application on January 10, 2020, March 26, 2020, and May 14, 2020.

On March 24, 2020, Order No. 4 was issued, requiring Staff to file a supplemental recommendation on the sufficiency of the application and proposed notice and to propose a procedural schedule for further processing by May 20, 2020. Therefore, this pleading is timely filed.

¹ *Application of Rio Grande Electric Cooperative, Inc. to Change Rates for Wholesale Transmission Service*, Docket No. 31250, (Oct. 14, 2005).

II. SUFFICIENCY OF THE APPLICATION

Staff has reviewed Rio Grande's application and supplemental materials and recommends that the application, as supplemented, is sufficient. Staff does not address the merits of the application at this time.

III. NOTICE

Notice in this proceeding is governed by 16 Texas Administrative Code (TAC) § 22.55, which states that the presiding officer may require a party to provide reasonable notice to affected persons. While the Commission rules do not specify the form or manner of notice to be given in this proceeding, presiding officers in similar cases have often required applicants to provide notice to all distribution service providers in the last docket in which the Commission set the annual transmission service charges for the ERCOT region. In its application, Rio Grande proposed a written form of notice to be given to all distribution service providers listed in the ERCOT matrix established by the Commission in Docket 48928, which is the most recent docket in which the Commission set the annual transmission service charges for the ERCOT region as of the filing of this application,² Rio Grande also proposed to file an affidavit of notice upon completion as prescribed by the presiding officer. Since the filing of this docket, the final order approving Commission Staff's Petition to Set 2020 Wholesale Transmission Service Charges for the Electric Reliability Council of Texas, Docket No. 50333, was issued. Accordingly, Staff recommends that Rio Grande provide notice to all distribution service providers listed in the most current ERCOT matrix, Docket 50333.

Under 16 TAC § 25.104(b), a motion to intervene must generally be filed within 45 days from the date an application is filed, unless otherwise provided by an order from the presiding officer. The 45-day intervention deadline in this matter was January 16, 2020.³ On January 13, 2020, Order No. 2 in this proceeding directed Rio Grande not to provide notice of the application until the application is found sufficient. In order to allow for a meaningful intervention period, Staff recommends that Rio Grande be given a deadline of May 29, 2020 to provide proof of notice

² *Commission Staff's Petition to Set 2019 Wholesale Transmission Service Charges for the Electric Reliability Council of Texas*, Docket No. 48928, Order (Apr. 4, 2019).

³ See 16 TAC § 22.104(b).

and that the intervention deadline be extended until June 19, 2020.⁴ Accordingly, Staff recommends Rio Grande be directed to modify its proposed form of notice, as included in Attachment A of the application, to correctly reflect the extended intervention deadline.

IV. PROPOSED PROCEDURAL SCHEDULE

In accordance with its recommendation on sufficiency, Staff proposes the following procedural schedule:

Event	Date
Deadline for Applicant to file proof of notice	May 29, 2020
Deadline for intervention	June 19, 2020
Intervenors' deadline to file comments on the Application and request a hearing	July 6, 2020
Staff's deadline for final recommendation or to request a hearing	July 31, 2020
Rio Grande's deadline to respond to Staff's final recommendation or deadline for parties to file joint proposed findings of fact, conclusions of law, and ordering paragraphs	August 14, 2020

V. CONCLUSION

Staff recommends that the application be found sufficient, that Rio Grande be ordered to issue notice, and that the above-proposed procedural schedule be adopted. Staff respectfully requests that an order be issued consistent with the foregoing recommendations.

⁴ Staff's proposed 21-day period between proof of notice and the intervention deadline mirrors the intervention period prescribed for interim TCOS proceedings in 16 TAC § 25.192(h)(4)(B).

Dated: May 20, 2020

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Rachelle Nicolette Robles
Division Director

Heath D. Armstrong
Managing Attorney

/s/Courtney Dean
Courtney N. Dean
State Bar No. 24116269
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7235
(512) 936-7268 (facsimile)
courtney.dean@puc.texas.gov

DOCKET NO. 50302

CERTIFICATE OF SERVICE

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on March 20, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/Courtney Dean
Courtney N. Dean