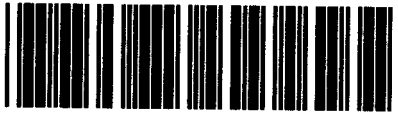




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**DOCKET NO. 31058**

<b>COMPLAINT OF CPS ENERGY,</b>	§	<b>PUBLIC UTILITY COMMISSION</b>
<b>LOWER COLORADO RIVER</b>	§	
<b>AUTHORITY AND SOUTH TEXAS</b>	§	<b>OF TEXAS</b>
<b>ELECTRIC COOPERATIVE AGAINST</b>	§	
<b>ELECTRIC RELIABILITY COUNCIL</b>	§	
<b>OF TEXAS</b>	§	

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**ORDER NO. 3  
GRANTING MOTION TO INTERVENE; SETTING PROCEDURAL SCHEDULE**

On May 2, 2005, CPS Energy, the Lower Colorado River Authority (LCRA), and South Texas Electric Cooperative (STEC) (together, the Complainants) filed a formal complaint against the Electric Reliability Council of Texas (ERCOT) alleging improper resettlement conducted by ERCOT in response to the Public Utility Commission of Texas' order in Docket No. 29210.<sup>1</sup>

On May 10, 2005, Order No. 1 was issued requiring responses from ERCOT and Commission Staff (Staff).

On May 23, 2005, ERCOT filed its response stating that the Commission should deny Complainants' requested relief since ERCOT followed the Final Order in Docket No. 29210.

On May 23, 2005, Direct Energy, L.P. (Direct Energy) filed a motion to intervene in the proceeding stating that it is one of the parties that originated the complaint in Docket No. 29210 and is directly and financially impacted by the Commission's order in that docket. No objections were filed. Direct Energy's motion is granted.

On June 16, 2005, Staff filed its position statement. Staff believes the Complainants have raised an important issue that should be addressed by the Commission. Staff stated that the matter appears to be one involving primarily questions of law which could be addressed through briefing. Staff noted concern that only one additional party has sought to intervene given that other qualified scheduling entities (QSEs) may be impacted by a decision in this case. Staff requested that ERCOT be required to provide additional notice to all QSEs in ERCOT through a posting on ERCOT's website and an e-mail message to each QSE.

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<sup>1</sup> *Complaint of Direct Energy, LP and Tenaska Power Services Co .Against the Electric Reliability Council of Texas, Docket No. 29210, (November 5, 2004).*

The following procedural schedule is adopted:

Additional Notice provided	June 24, 2005
Intervention deadline	July 11, 2005
Agreed Findings of Fact and Agreed Statement of Issue(s) for briefing	July 29, 2005
Request for hearing	August 1, 2005
Response to request for hearing <sup>2</sup>	August 8, 2005
Initial Brief	August 19, 2005
Reply Brief	August 31, 2005

SIGNED AT AUSTIN, TEXAS on the 23rd day of June 2005.

**PUBLIC UTILITY COMMISSION OF TEXAS**



**IRENE MONTELONGO  
ADMINISTRATIVE LAW JUDGE  
POLICY DEVELOPMENT DIVISION**

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<sup>2</sup> If a request for hearing is granted, the procedural schedule will be revised at a prehearing conference.