

**DOCKET NO. 39865**

<b>PETITION OF ELECTRIC RELIABILITY</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>COUNCIL OF TEXAS, INC., FOR</b>	<b>§</b>	
<b>APPROVAL OF REVISION TO DOCKET</b>	<b>§</b>	<b>OF TEXAS</b>
<b>NO. 32686 ORDER NUNC PRO TUNC</b>	<b>§</b>	

**NOTICE**

On October 26, 2011, Electric Reliability Council of Texas, Inc. (ERCOT) filed with the Public Utility Commission of Texas (Commission) its *Petition of Electric Reliability Council of Texas, Inc., for Approval of Revision to Docket No. 32686 Order Nunc Pro Tunc* (Petition). The purpose of the Petition is to request that the Commission approve a revision to its *Order Nunc Pro Tunc*, issued June 13, 2007, in Docket No. 32686,<sup>1</sup> regarding the filing date for ERCOT’s “accounting of the costs and revenues of implementing the Nodal market,” in order to take into account Commission orders and ERCOT Board actions since the 2007 issuance of the *Order Nunc Pro Tunc*.

Due to the approval of post-go-live nodal stabilization funding and funding of the Navigant audit extending beyond the one-year anniversary of nodal go-live, it would be premature for ERCOT to file its final accounting of the “costs and revenues of implementing the Nodal market” by December 1, 2011.

Given these circumstances, ERCOT requests that the Commission revisit its 2007 Docket No. 32686 *Order Nunc Pro Tunc* to permit ERCOT to file its accounting at a point in time that is after: (a) ERCOT receives audited financial statements for 2011; and (b) the Navigant audit funded by nodal surcharge revenues is completed. At that time, ERCOT will be in a position to provide the comprehensive accounting of nodal costs that the Commission expected to receive in its 2007 order. ERCOT believes that a revised filing date of July 1, 2012 would achieve both of those objectives.

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<sup>1</sup> *Application of the Electric Reliability Council of Texas for Approval of a Nodal Market Implementation Surcharge and Request for Interim Relief*, Docket No. 32686, Order Nunc Pro Tunc (June 13, 2007).

A change in the filing date for the “12 months after” go-live filing would not necessitate a change in the due date for the follow-on filing due “within 12 months after ERCOT stops collecting the nodal surcharge,” which is also required by the Docket No. 32686 order. As an alternative to the July 1, 2012 filing deadline requested herein, ERCOT could file a single, consolidated post-go-live accounting proceeding. That proceeding would be filed within one year of the completion of the collection of the nodal surcharge, and would include information on both the final costs and expenditures associated with nodal go-live, as well as the final report on the amount of revenues collected from the nodal surcharge. That approach would represent more of a departure from the filing schedule included in the Docket No. 32686 *Order Nunc Pro Tunc* in 2007, but ERCOT believes it would achieve the same objectives from the perspective of accountability and transparency. Moreover, the single accounting would result in a consolidated Commission review proceeding that may prove more administratively efficient than the two proceedings called for in the *Order Nunc Pro Tunc*.

Persons who wish to intervene in or comment in this proceeding should notify the Public Utility Commission of Texas within 30 days of this notice. A request to intervene or for further information should be mailed to the Public Utility Commission of Texas, P.O. Box 13326, Austin, Texas 78711-3326. A request to intervene shall include a statement of position containing a concise statement of the requestor’s position on the petition, a concise statement of each question of fact, law, or policy that the requestor considers at issue and a concise statement of the requestor’s position on each issue identified.

ERCOT has posted this Notice and a copy of its Petition on its web site at:

[http://www.ercot.com/about/governance/legal\\_notices.html](http://www.ercot.com/about/governance/legal_notices.html).

Interested parties may also access ERCOT’s Petition through the Public Utility Commission’s web site at <http://www.puc.state.tx.us> under Docket No. **39865**.

Date of this notice: October 26, 2011.