

Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136.

TRD-200602532
Adriana A. Gonzales
Rules Coordinator
Public Utility Commission of Texas
Filed: May 8, 2006



Public Notice of Proceeding to Determine the Information to be Included in the Transition to Competition Filing of Entergy Gulf States, Inc.

In accordance with Public Utility Regulatory Act (PURA) §39.452(g), Entergy Gulf States, Inc. (EGSI) must prepare a transition to competition plan and file it with the Public Utility Commission of Texas (commission) not later than the earlier of January 1, 2007 or the 90th day after the date the applicable power region is certified by the commission. Since no power region has been certified for EGSI, January 1, 2007 appears to be the deadline for EGSI's transition to competition plan filing. PURA §39.452(g)(3) specifies that EGSI's January 1, 2007 transition to competition plan must include "any other additional information or provisions that the commission may require." There are at least two nearby power regions that EGSI could seek to join; the Electric Reliability Council of Texas (ERCOT) or the Southwest Power Pool (SPP). Depending upon which options is chosen, the scope, timing, and cost of the transition to competition plan could vary considerably. To date, the commission has not been presented with sufficient information to enable it to determine whether ERCOT or SPP would present the better option for the development of customer choice in EGSI's service territory. In order to assure that the commission has sufficient information to evaluate the choice of power region and the stages and costs of EGSI's transition to competition plan, the commission has decided to seek additional input from other market participants, Texas ratepayers, and EGSI concerning the information that should be included as part of EGSI's January 2007 transition to competition filing.

The commission seeks comment on whether the following types of information would be relevant and could be developed:

- * the cost and timeframe for necessary transmission infrastructure development;
- * production cost comparisons between the SPP and ERCOT options;
- * necessary protocol development in the SPP;
- * regulatory filings that may be required in Texas or other jurisdictions;
- * impact on the commission's jurisdiction; and/or
- * impact on existing wholesale contracts with other Texas entities.

The commission invites public comment on this proposed list of information to be included with EGSI's filing under PURA §39.452(g), as well as suggestions on any items that should be deleted or added to this preliminary list. The commission requests that any comments identify the proposed information with specificity and provide an explanation for why such information would be relevant for evaluation of the transition to competition plan. If items are proposed for deletion, the comments should fully explain the reason for such deletion and identify any alternate sources of information that may be available to address the commission's concerns.

Written comments concerning the above-listed information and any other information requested should be filed by Friday, June 9, 2006. Interested persons should submit 16 copies of their comments to the commission's Filing Clerk, Public Utility Commission of Texas, 1701

North Congress Avenue, P.O. Box 13326, Austin, Texas 78711-3326. All responses should reference Project Number 32217.

Questions concerning this notice should be referred to Patrick J. Sullivan, Staff Attorney, Legal Division, (512) 936-7125. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136.

TRD-200602531
Adriana A. Gonzales
Rules Coordinator
Public Utility Commission of Texas
Filed: May 8, 2006



The University of Texas System

Request for Information (RFI) (Outside Counsel - September 1, 2006 to August 31, 2008)

In accordance with the provisions of *Texas Government Code*, Chapter 2254, The University of Texas System (U.T. System) requests information from law firms interested in representing U.T. System and its institutions in the areas of law described below. U.T. System, located in Austin, governs six health institutions (located in Dallas, Galveston, Houston, San Antonio, and Tyler) and nine academic institutions (located in Arlington, Austin, Brownsville, Dallas, Edinburg, El Paso, Midland-Odessa, San Antonio, and Tyler). This RFI is issued to establish a referral list from which U.T. System, by and through its Office of General Counsel, will select appropriate counsel for representation of U.T. System and its institutions on specific matters as the need arises during the timeframe beginning September 1, 2006 to August 31, 2008. U.T. System invites responses to this RFI from qualified firms for the provision of legal services under the direction and supervision of the U. T. System's Office of General Counsel. Subject to approval by the Texas Attorney General, U.T. System will engage outside counsel with experience in the following areas of law:

Communications (FCC): Representation and advice regarding communications law, noncommercial broadcast issues, First Amendment, and broadcast journalism legal issues, including but not limited to preparing, filing, prosecuting, maintaining, and renewing various permits, licenses, and license applications with the Federal Communications Commission (FCC).

Corporate Law: Representation and advice regarding corporate and securities transactions and regulations, including but not limited to entity formation, such as corporations, joint ventures, limited partnerships, limited liability companies, 501(c)(3) corporations, and public-private partnerships; drafting and filing entity documents; filing for certificates of authority to transact business in other states; and private equity investing.

Employment Law: Representation and advice regarding complex employment law issues.

Federal ESEA: Representation and advice regarding implementation of the Elementary and Secondary Education Act (ESEA), including but not limited to assistance on U.T. System K-16 initiative; funding flows from ESEA; making appropriate contact with federal and state officials; presentations to U. T. System and institution personnel regarding the U.T. System initiative; and presentations to the Texas Legislature, foundations, Regents, and others concerning the legal and practical aspects of the K-16 initiative.

Health Law: Representation and advice regarding billing; clinical research contracting; Health Insurance Portability and Accountability

Act (HIPAA); regulatory compliance; and other general health law matters.

Immigration Law: Representation and advice regarding immigration law matters, including but not limited to petitioning for nonimmigrant visas (including H-1Bs); petitioning for employer sponsored permanent residence; representation before the Department of Labor, including labor condition applications, labor certifications, Program Electronic Review Management (PERM) complying with the Student and Exchange Visitor Information System (SEVIS) requirements; impact of homeland security issues on immigration law; and interaction with and representation before applicable U.S. governmental agencies, including the Department of Homeland Security and the Department of Labor, as well as the U. T. System Office of General Counsel, U. T. System institutions' international offices, and human resources offices. Outside counsel should be admitted to practice before all United States District Courts in Texas.

Intellectual Property (IP)Matters: Representation and advice regarding intellectual property matters, including but not limited to preparing, filing, prosecuting, and maintaining patent applications in the United States and other countries; securing copyright protection for computer software; preparing, filing, and prosecuting applications to register trademarks and service marks in the United States and other countries; complex licensing transactions; and all other related matters.

Litigation - General: Representation and advice regarding complex litigation matters, including but not limited to employment litigation, real estate litigation, wills and estate litigation, Texas Public Information Act litigation, and commercial and creditors' rights litigation.

Litigation - IP: Representation and advice regarding all intellectual property matters, including but not limited to pursuit of litigation against infringers of U. T. System intellectual property rights and defense of any intellectual property related claims.

Public School Law: Representation and advice to U.T. Austin regarding public school law issues regarding the University Charter School and The University of Texas Elementary School.

Radio, Television, and Film Matters: Represent and advise the College of Communication at U. T. Austin regarding the creation and operation of legal entities designed to support, enhance, finance, and otherwise contribute to the film program and to prepare and file appropriate documentation to evidence the legal affairs of such entities as well as other related matters.

Real Estate and Finance Transactions: Representation and advice regarding acquisitions, dispositions, eminent domain, financings, entity formation (joint ventures, limited partnerships, limited liability companies, real estate investment trusts, business trusts), securitization, leasing, construction contracting, and workouts and restructurings.

Real Estate and Oil & Gas Transactions Outside the State of Texas: Representation and advice regarding real estate and oil and gas transactions, including but not limited to litigation or hearings related to oil, gas, or other mineral interests that are located outside the State of Texas and that are either owned by or proposed to be given to U. T System or one of its institutions; and litigation or hearings related to real estate interests and trust, estate, and probate matters that are located outside the State of Texas and that are either owned by or proposed to be given to U.T. System or one of its institutions.

Tax-Exempt Bond Matters: Public, tax-exempt bond issuance is conducted under two major programs and is rated by three major rating agencies. Bonds are issued under authority granted the U. T. System in Article VII, §18 of the Texas Constitution (Permanent University Fund). A flexible rate note program is frequently used to raise new funds in support of the U.T. System's \$4.3 billion Capital Improvement

Program. The flexible rate note program is currently authorized up to a maximum of \$400 million and has \$100 million outstanding. During the 2007 fiscal year, one such note sale is anticipated in the approximate amount of \$150 million. Fixed rate bond sales occur every two to three years in the amount of approximately \$250 million to refund flexible rate notes. Advance refunding of Permanent University Fund bonds are conducted periodically based on potential savings opportunities. Under authority granted in Chapter 55, *Texas Education Code* and Chapters 1207 and 1371, *Texas Government Code*, and other applicable laws, the U.T. System issues revenue bonds for capital improvements. The U.T. System employs a revenue bond program that offers a combined pledge of all legally available revenues with certain exceptions (the "Revenue Financing System"). Commercial paper programs are generally used for interim financing with long-term bonds sold to provide more permanent financing. These long-term bonds, which may be either fixed rate or variable rate, may be combined with interest rate swap agreements pursuant to International Swaps and Derivatives Association, Inc. (ISDA) master swap agreements. The tax-exempt commercial paper program is presently authorized up to \$750 million and has approximately \$330 million outstanding. The taxable commercial paper program is presently authorized up to \$50 million and has approximately \$10 million outstanding. Advance refunding of bonds, interest rate swaps, and escrow restructures of previously defeased bonds, based on market conditions, may be expected. Federal tax related matters regarding bonds issued by the U.T. System, including strategies and management practices in the conduct of an exempt debt program requires a close working relationship with bond counsel. In addition, the U. T. System works with counsel regarding the preparation of the annual Securities and Exchange Commission filings. Contact is frequent, particularly regarding the Revenue Financing System program due to the frequency of debt issuance.

Tax Matters: Representation and advice regarding state taxes, state pension issues and plans available only to universities, and regarding federal income, estate, gift, employment, and excise taxes, including but not limited to matters regarding: taxation of any kind, including tax liens, tax garnishments, tax levies, tax assessments, tax valuations, as well as summonses, subpoenas, and discovery relating to tax matters; tax audits; appeals of tax issues; tax hearings before administrative law judges and magistrates; appeals to Internal Revenue Service (IRS) appeals officers, district court, U.S. Tax Court, U.S. District Court, U.S. Court of Claims, and other venues on tax matters; employee benefits such as Internal Revenue Code (I.R.C.) §125 cafeteria plans, the Texas Optional Retirement Program, *Internal Revenue Code*(I.R.C.) §§403(b), 415(m), and 457(a), 457(b), and 457(f) plans; income tax matters, including unrelated business income tax as it relates to universities; federal tax matters regarding compensation issues related to university hospitals and physicians; interaction with and representation before the IRS and other taxing authorities in any tax controversy; and charitable fundraising activities. Although outside counsel will not be required to prepare the System tax return, it will be required to give legal advice on issues relating to the filing of tax returns and the appropriate treatment of tax matters on such returns. Outside counsel should be admitted to practice before the Texas district courts, the U.S. Tax Court, the U.S. District Court, and the U.S. Court of Claims.

UTIMCO Oversight: Representation and advice to the U.T. System Board of Regents regarding the discharge of its fiduciary duties in managing the investment funds under its control by responding to the more complex legal questions that arise in investment management areas, including questions regarding compliance with the intent behind Sarbanes-Oxley duties and responsibilities; and to the Office of General Counsel and the Office of Finance in their provision of enhanced oversight over the University of Texas Investment Management Company.

Utility Matters: Representation and advice in utility matters, including but not limited to natural gas, electric, and telecommunications matters, including reviewing contracts, conducting research, rendering legal opinions, pursuing litigation, and handling other utility-related legal matters.

Responses: Responses to this RFI should include at least the following information: (1) a description of the firm's or attorney's qualifications for performing the legal services, including the firm's prior experience in the specific area of law for which the firm is responding; (2) the expertise, including scientific or technical, of the attorneys that would be assigned to work on such matters; (3) the submission of fee information in the form of a range of hourly rates (not to exceed \$500 per hour) for each billing class of personnel who may be assigned to perform services in relation to U.T. System's matter and/or a proposed flat fee or other fee arrangement directly related to the achievement of specific goals and cost controls; (4) a description of the efforts made by the firm to encourage and develop the participation of minorities and women in the provision both of the firm's legal services generally and the specific areas of law in particular; (5) disclosures of conflicts of interest (identifying each and every matter in which the firm has, within the past calendar year, represented any entity or individual with an interest adverse to the U.T. System or to the State of Texas, or any of its boards, agencies, commissions, universities, or elected or appointed officials); (6) the firm's agreement with the billing guidelines, which among other things sets forth the allowable billable expenses; and (7) confirmation of willingness to comply with policies, directives, and guidelines of the U.T. System and the Attorney General of the State of Texas. Responses will be reviewed by U. T. System and the UT System institutions. You will be contacted via e-mail if the U.T. System or a U.T. System institution chooses to contract with your firm for outside counsel services.

Format and Person to Contact: Responses are to be completed online at <https://www.utsystem.edu/LegalRFIResponse>. Please do not forward any materials directly to U.T. System. Questions should be addressed to Barry D. Burgdorf, Vice Chancellor and General Counsel, Office of General Counsel, The University of Texas System and sent to bhurst@utsystem.edu.

Deadline for Submission of Response: All responses must be completed and submitted to the Office of General Counsel of U. T. System through the website noted above no later than 11:59 p.m., Monday, June 19, 2006.

TRD-200602573

Francie A. Frederick

Counsel and Secretary to the Board of Regents

The University of Texas System

Filed: May 9, 2006



Texas Water Development Board

Applications Received

Pursuant to the Texas Water Code, §6.195, the Texas Water Development Board provides notice of the following applications received by the Board:

Wharton County, 1421 Wells Branch Parkway, Suite 104, Austin, Texas 78660, received February 1, 2006, application for financial assistance in the amount of \$2,500,000 from the Texas Water Development Funds.

City of East Tawakoni, 288 Briggs Blvd., East Tawakoni, Texas 75472-7140, received March 31, 2006, application for financial assistance in

the amount of \$1,250,000 from the Drinking Water State Revolving Fund.

Brazos River Authority, Texas P.O. Box 7555, Waco, Texas 76714, received August 23, 2005, application for financial assistance in an amount not to exceed \$3,230,000 from the State Participation Program.

City of La Joya, 100 West Highway 83, La Joya, Texas 78560, received January 6, 2006, application for financial assistance in the total amount of \$6,720,000 from the Clean Water State Revolving Fund.

City of Dayton, 117 Cook Street, Dayton, Texas 77535, received March 28, 2006, application for financial assistance in the amount of \$8,500,000 from the Clean Water State Revolving Fund.

City of Cockrell Hill, 4125 West Clarendon, Cockrell Hill, Texas 75211, received February 14, 2006, application for financial assistance in the amount of \$1,875,000 from the Drinking Water State Revolving Fund.

Thornhill Group, Inc., 1104 South Mays Street, Suite 208, Round Rock, Texas 78664, received April 3, 2006, application for financial assistance for the Yegua-Jackson Aquifer from the Research and Planning Fund.

LBG-Guyton Associates, 1101 South Capital of Texas Highway, Suite B-220, Austin, Texas 78746, received April 3, 2006, application for financial assistance for the Yegua-Jackson Aquifer from the Research and Planning Fund.

INTERA, Incorporated, 9111-A Research Boulevard, Austin, Texas 78758, received April 3, 2006, application for financial assistance for the Yegua-Jackson Aquifer from the Research and Planning Fund.

Daniel B. Stephens and Associates, Inc., 6020 Academy NE, Suite 100, Albuquerque, New Mexico 87109, received April 3, 2006, application for financial assistance for the Yegua-Jackson Aquifer from the Research and Planning Fund.

Office of Sponsored Projects, Box 7726, University Station, Austin, Texas 78713, received April, 2006, application for financial assistance for the Yegua-Jackson Aquifer from the Research and Planning Fund.

MFG, Inc., 4087 Spicewood Springs Road, Building IV, First Floor, Austin, Texas 78759, received April 3, 2006, application for financial assistance for the Llano Uplift Aquifer from the Research and Planning Fund.

Daniel B. Stephens and Associates, Inc., 6020 Academy NE, Suite 100, Albuquerque, New Mexico 87109, received April 3, 2006, application for financial assistance for the Llano Uplift Aquifer from the Research and Planning Fund.

R.W. Harden & Associates, Inc., 3409 Executive Center Drive, Suite 226, Austin, Texas 78731, received April 3, 2006, application for financial assistance for the Trinity Aquifer from the Research and Planning Fund.

TRD-200602480

Wendall Corrigan Braniff

General Counsel

Texas Water Development Board

Filed: May 3, 2006

