



## RAILROAD COMMISSION OF TEXAS GAS SERVICES DIVISION

August 5, 2011

Ann M. Coffin  
Julie Carrathers Parsley  
Dane McKaughan  
Parsley Coffin Renner  
98 San Jacinto Blvd., Suite 1450  
Austin, Texas 78701

**Re: Gas Utilities Docket No. 10101:** *Petition for Review of Municipal Rate Action of the City of Houston Regarding CenterPoint Energy Resources Corp., D/B/A CenterPoint Energy Entex and CenterPoint Energy Texas Gas Interim Rate Adjustment for Calendar Year 2010.*

Dear Ms. Coffin:

The Gas Services Division is not able to entertain the Petitions for Review in the above-referenced docket filed with the Commission by CenterPoint Energy Resources Corp., D/B/A CenterPoint Energy Entex and CenterPoint Energy Texas Gas, seeking review of the denial by City of Houston of Entex's Interim Rate Adjustment (IRA) for calendar year 2010. We have been advised by the Office of the Attorney General of Texas that the Railroad Commission of Texas (Commission) is bound by the recent Judgment and Findings of Fact and Conclusions of Law in *City of Allen, et al. v. Railroad Commission of Texas*, Cause No. D-1-GV-05-5221, in the 53<sup>rd</sup> Judicial District Court in Travis County, Texas. Specifically, Conclusion of Law 4 provides that a utility does not have the authority to appeal a denial of a filing by a City to the Commission under Section 104.301 of the Texas Utilities Code and Conclusion of Law 5 provides that the Commission does not have the authority to apply its Rule 7.7101 (IRA rule) to the action of a city.

Based on the foregoing, the Gas Services Division may not entertain the above-referenced Petition for Review.

This letter ruling is in the nature of an interim ruling and is subject to appeal pursuant to procedures set out in § 1.30 of the Commission's General Rules of Practice & Procedure (16 Tex. Admin. Code § 1.30).

Sincerely,



William O. Geise  
Director, Gas Services Division

c: Keith Wall  
Director of Regulatory Affairs

C. Mark Evarts,  
Director, Market Oversight Section

Tina Paez  
Assistant Director, Regulatory Services Division - City of Houston