Control Number: 37744

Item Number: 1216

Addendum StartPage: 0

SOAH DOCKET NO. 473-10-1962
PUC DOCKET NO. 37744

APPLICATION OF ENTERGY TEXAS, INC. FOR AUTHORITY TO CHANGE RATES AND TO RECONCILE FUEL COSTS	§ § § §	BEFORE THE PUBLIC UTILITY COMMISSION OF TEXAS

RESPONSES OF THE KROGER COMPAY TO ENTERTY TEXAS, INC. SECOND SET OF DATA REQUESTS

Q2-1 Regarding page 6 of the Direct Testimony of Mr. Kevin C. Higgins, please explain with specificity how ETI's proposed Rider COSA would "circumvent" the regulatory process. Please identify all statutory provisions, rules, and/or Commission precedent that would be circumvented by implementation of the ETI's proposed Rider COSA.

Response: PURA § 53.003(a) states that the Commission shall ensure that each rate a public utility receives is just and reasonable. In Mr. Higgins's opinion, the Commission is best able to ensure the just and reasonableness of proposed changes to ETI's rates through the establishment of an evidentiary record to determine facts upon which the Commission can make findings and reach conclusions. Such an evidentiary record is best established in a contested general rate proceeding open to all interested parties. Rider COSA would preempt this process, and consequently, would not provide for the creation of a sufficient evidentiary record for the Commission to ensure just and reasonable rates. In this manner, Rider COSA would most certainly lead to a reduction in regulatory scrutiny applied to utility rate increases, thereby circumventing the regulatory process.

Rider COSA also appears to circumvent, if not directly conflict with, PURA § 53.201, which states that "the commission may not establish a rate or tariff that authorizes a utility to automatically adjust and pass through to the utility's customers a change in the utility's costs." While Rider COSA may not technically be "automatic," the reduced regulatory scrutiny associated with Rider COSA, along with the preclusion of interested parties from the process and the abbreviated period for decision appear calculated to achieve the same result as an automatic adjustment.

Q2-2 Regarding page 7 of the Direct Testimony of Mr. Kevin C. Higgins, please explain why a capped "equal cents-per-kWh" adjustment to the reasonable rates to be established in this proceeding would result in unreasonable rates. Please provide and explain in full Mr. Higgins's qualifications, education, experience, specialized knowledge or skills, including all supporting documentation, information and/or prior testimony, reports or studies, concerning rate design.

Response: There is absolutely no reason to believe that the application of a generally-accepted class cost allocation method to a change in non-fuel costs would produce an "equal cents-per-kWh" change in class cost responsibility. The role of demand-related costs and customer-related costs must also be taken into account in proper cost allocation and rate design. As explained in Mr. Higgins's direct testimony, page 7, ETI's proposed "equal cents-per-kWh" adjustment has no basis in cost causation and would result in an unwarranted shift in cost responsibility to higher-load-factor classes and high-load-factor customers within rate schedules.

Mr. Higgins's qualifications and experience are discussed on pages 1-2 of his testimony and are more fully presented in Attachment A to that testimony. As discussed in his testimony and Attachment A, over the past 26 years Mr. Higgins has appeared as an expert witness in over 130 proceedings before 28 state utility regulatory commissions. The 55 cases in which Mr. Higgins has addressed rate design issues during the past seven years are identified in Attachment ETI 2.2. To the best of Mr. Higgins' knowledge, these documents are publicly available.

KEVIN C. HIGGINS

EXPERT TESTIMONY – RATE DESIGN
June 2003 to Present

"Portland General Electric General Rate Case Filing," Public Utility Commission of **Oregon**, Docket No. UE-215. Opening testimony submitted June 4, 2010.

"In the Matter of the Application of Duke Energy Ohio, Inc. to Establish and Adjust the Initial Level of its Distribution Reliability Rider," Public Utilities Commission of **Ohio**, Case No. 09-1946-EL-RDR. Direct testimony submitted May 18, 2010.

"In the Matter of PacifiCorp, dba Pacific Power, 2011 Transition Adjustment Mechanism," Public Utility Commission of **Oregon**, Docket No. UE-216. Reply testimony submitted May 12, 2010.

"In the Matter of the Application of Rocky Mountain Power for Alternative Cost Recovery for Major Plant Additions of the Ben Lomond to Terminal Transmission Line and the Dave Johnston Generation Unit 3 Emissions Control Measure," **Utah** Public Service Commission, Docket No 1-035-13. Direct testimony submitted April 26, 2010.

"Amended Petition of Puget Sound Energy, Inc., for an Order Authorizing the Use of the Proceeds from the Sale of Renewable Energy Credits and Carbon Financial Instruments," **Washington** Utilities and Transportation Commission, Docket No. UE-070725. Response testimony submitted January 28, 2010.

"Application of Appalachian Power Company for a 2009 Statutory Review of Rates Pursuant to § 56.585.1 A of the Code of Virginia," **Virginia** Corporation Commission, Case No. PUE-2009-00030. Direct testimony submitted December 28, 2009. Additional direct testimony submitted March 8, 2010. Cross examined April 1, 2010.

"In the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company for Approval of a Market Rate Offer to Conduct a Competitive Bidding Process for Standard Service Offer Electric Generation Supply, Accounting Modifications with Reconciliation Mechanism and Tariffs for Generation Service," Public Utilities Commission of **Ohio**, Case No. 09-906-EL-SSO. Direct testimony submitted December 4, 2009. Deposed December 10, 2009.

"2009 Puget Sound Energy General Rate Case," **Washington** Utilities and Transportation Commission, Docket Nos. UE-090704 and UG-090705. Response testimony submitted November 17, 2009. Joint testimony in support of stipulation submitted January 8, 2010.

"Re: The Tariff Sheets Filed by Public Service Company of Colorado with Advice Letter No. 1535 – Electric," **Colorado** Public Utilities Commission, Docket No. 09AL-299E. Answer testimony submitted October 2, 2009. Surrebuttal testimony submitted December 18, 2009.

"Central Illinois Light Company d/b/a AmerenCILCO Proposed General Increase in Electric Delivery Service Rates; Central Illinois Public Service Company d/b/a AmerenCIPS Proposed General Increase in Electric Delivery Service Rates; Illinois Power Company d/b/a/ AmerenIP Proposed General Increase in Electric Delivery Service Rates; Central Illinois Light Company d/b/a AmerenCILCO Proposed General Increase in Gas Delivery Service Rates; Central Illinois Public Service Company d/b/a AmerenCIPS Proposed General Increase in Gas Delivery Service Rates; Illinois Power Company d/b/a/ AmerenIP Proposed General Increase in Gas Delivery Service Rates, **Illinois** Commerce Commission, Docket Nos. 09-0306, 09-0307, 09-0308, 09-0309, 09-0310, and 09-0311. Direct testimony submitted September 28, 2009. Rebuttal testimony submitted November 20, 2009.

"In the Matter of PacifiCorp's Filing of Revised Tariff Schedules for Electric Service in Oregon," Public Utility Commission of **Oregon,** Docket No. UE-210. Reply testimony submitted July 24, 2009. Joint testimony in support of stipulation submitted September 25, 2009.

"In the Matter of PacifiCorp, dba Pacific Power, 2010 Transition Adjustment Mechanism," Public Utility Commission of **Oregon,** Docket No. UE-207. Reply testimony submitted July 14, 2009. Joint testimony in support of stipulation submitted September 25, 2009.

"In the Matter of the Investigation of Westar Energy, Inc., and Kansas Gas and Electric Company to Consider the Issue of Rate Consolidation and Resulting Rate Design," **Kansas** Corporation Commission," Docket No. 09-WSEE-641-GIE. Direct testimony submitted June 26, 2009. Cross examined August 17, 2009.

"Illinois Commerce Commission on Its Own Motion vs Commonwealth Edison Company, Investigation of Rate Design Pursuant to Section 9-250 of the Public Utilities Act," **Illinois** Commerce Commission, Docket No. 08-0532. Direct testimony submitted May 22, 2009.

"In the Matter of the Application by Nevada Power Company d/b/a NV Energy, filed Pursuant to NRS§704.110(3) and NRS §704.110(4) for Authority to Increase Its Annual Revenue Requirement for General Rates Charged to All Classes of Customers, Begin to Recover the Costs of Acquiring the Bighorn Power Plant, Constructing the Clark Peakers, Environmental Retrofits and Other Generating, Transmission and Distribution Plant Additions, to Reflect Changes in Cost of Service and for Relief Properly Related Thereto, Public Utilities Commission of **Nevada,** Docket No. 08-12002. Direct testimony submitted April 14, 2009 (revenue requirement) and April 21, 2009 (cost of service/rate design). Cross examined May 6, 2009.

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"In The Matter of the Application of Duke Energy Ohio for an Increase in Electric Distribution Rates," Public Utilities Commission of **Ohio**, Case No. 08-709-EL-AIR; "In the Matter of the Application of Duke Energy Ohio for Tariff Approval," Case No. 08-710-EL-ATA; "In the Matter of the Application of Duke Energy Ohio for Approval to Change Accounting Methods," Case No. 08-711-EL-AAM. Direct testimony submitted February 26, 2009.

"In the Matter of the Application of Columbus Southern Power Company for Approval of Its Electric Security Plan; An Amendment to Its Corporate Separation Plan; and the Sale of Certain Generating Assets", Public Utilities Commission of **Ohio**, Case No. 08-917-EL-SSO; "In the Matter of the Application of Ohio Power Company for Approval of Its Electric Security Plan; and an Amendment to Its Corporate Separation Plan," Case No. 08-918-EL-SSO. Direct testimony submitted October 31, 2008. Cross examined November 25, 2008.

"In the Matter of the Application of Idaho Power Company for Authority to Increase its Rates and Charges for Electric Service," **Idaho** Public Utilities Commission, Case No. IPC-E-08-10. Direct testimony submitted October 24, 2008. Rebuttal testimony submitted December 3, 2008. Cross examined December 19, 2008.

"In the Matter of the Application of Ohio Edison Company, The Cleveland Electric Illuminating Company and The Toledo Edison Company for Authority to Establish a Standard Service Offer Pursuant to R.C. § 4928.143 in the Form of an Electric Security Plan," Public Utility Commission of **Ohio**, Case No. 08-935-EL-SSO. Direct testimony submitted September 29, 2008. Deposed October 13, 2008. Cross examined October 21, 2008.

"In the Matter of the Application of Westar Energy, Inc. and Kansas Gas and Electric Company for Approval to Make Certain Changes In Their Charges for Electric Service," State Corporation Commission of **Kansas**, Docket No. 08-WSEE-1041-RTS. Direct testimony submitted September 29, 2008. Cross Answer testimony submitted October 8, 2008.

"In the Matter of Appalachian Power Company's Application for Increase in Electric Rates," **Virginia** State Corporation Commission, Case No. PUE-2008-00046. Direct testimony submitted September 26, 2008.

"In the Matter of the Application of Arizona Public Service Company for a Hearing to Determine the Fair Value of the Utility Property of the Company for Ratemaking Purposes, to Fix a Just and Reasonable Rate of Return Thereon, to Approve Rate Schedules Designed to Develop Such Return," **Arizona** Corporation Commission, Docket No. E-01345A-08-0172. Direct testimony submitted August 29, 2008 (interim rates), December 19, 2008 (revenue requirement), January 9, 2009 (cost of service, rate design), and July 1, 2009 (settlement agreement). Reply testimony submitted August 6, 2009 (settlement agreement). Cross examined September 16, 2008 (interim rates) and August 20, 2009 (settlement agreement).

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"Portland General Electric General Rate Case Filing," Public Utility Commission of **Oregon,** Docket No. UE-197. Direct testimony submitted July 9, 2008. Surrebuttal testimony submitted September 15, 2008.

"In the Matter of PacifiCorp, dba Pacific Power, 2009 Transition Adjustment Mechanism, Schedule 200, Cost-Based Supply Service," Public Utility Commission of **Oregon,** Docket No. UE-199. Reply testimony submitted June 23, 2008. Joint testimony in support of stipulation submitted September 4, 2008.

"2008 Puget Sound Energy General Rate Case," **Washington** Utilities and Transportation Commission, Docket Nos. UE-072300 and UG-072301. Response testimony submitted May 30, 2008. Cross-Answer testimony submitted July 3, 2008. Joint testimony in support of partial stipulations submitted July 3, 2008 (gas rate spread/rate design), August 12, 2008 (electric rate spread/rate design), and August 28, 2008 (revenue requirements). Cross examined September 3, 2008.

"Central Illinois Light Company d/b/a AmerenCILCO Proposed General Increase in Electric Delivery Service Rates, Central Illinois Public Service Company d/b/a AmerenCIPS Proposed General Increase in Electric Delivery Service Rates, Illinois Power Company d/b/a/ AmerenIP Proposed General Increase in Electric Delivery Service Rates, Central Illinois Light Company d/b/a AmerenCILCO, Proposed General Increase in Gas Delivery Service Rates, Central Illinois Public Service Company d/b/a AmerenCIPS Proposed General Increase in Gas Delivery Service Rates, Illinois Power Company d/b/a/ AmerenIP Proposed General Increase in Gas Delivery Service Rates," **Illinois** Commerce Commission, Docket Nos. 07-0585, 07-0586, 07-0587, 07-0588, 07-0589, 07-0590. Direct testimony submitted March 14, 2008. Rebuttal testimony submitted April 8, 2008.

"In the Matter of the Application of Tucson Electric Power Company for the Establishment of Just and Reasonable Rates and Charges Designed to Realize a Reasonable Rate of Return on the Fair Value of Its Operations throughout the State of Arizona," **Arizona** Corporation Commission, Docket No. E-01933A-07-0402. Direct testimony submitted February 29, 2008 (revenue requirement), March 14, 2008 (rate design), and June 12, 2008 (settlement agreement). Cross examined July 14, 2008.

"Commonwealth Edison Company Proposed General Increase in Electric Rates," **Illinois** Commerce Commission, Docket No. 07-0566. Direct testimony submitted February 11, 2008. Rebuttal testimony submitted April 8, 2008.

"In the Matter of the Application of Questar Gas Company to File a General Rate Case," **Utah** Public Service Commission, Docket No. 07-057-13. Direct testimony submitted January 28, 2008 (test period), March 31, 2008 (rate of return), April 21, 2008 (revenue requirement), and August 18, 2008 (cost of service, rate spread, rate design). Rebuttal testimony submitted

September 22, 2008 (cost of service, rate spread, rate design). Surrebuttal testimony submitted May 12, 2008 (rate of return) and October 7, 2008 (cost of service, rate spread, rate design). Cross examined February 8, 2008 (test period), May 21, 2008 (rate of return), and October 15, 2008 (cost of service, rate spread, rate design).

"In the Matter of the Application of Rocky Mountain Power for Authority to Increase its Retail Electric Utility Service Rates in Utah and for Approval of its Proposed Electric Service Schedules and Electric Service Regulations, Consisting of a General Rate Increase of Approximately $161.2 Million Per Year, and for Approval of a New Large Load Surcharge," **Utah** Public Service Commission, Docket No. 07-035-93. Direct testimony submitted January 25, 2008 (test period), April 7, 2008 (revenue requirement), and July 21, 2008 (cost of service, rate design). Rebuttal testimony submitted September 3, 2008 (cost of service, rate design). Surrebuttal testimony submitted May 23, 2008 (revenue requirement) and September 24, 2008 (cost of service, rate design). Cross examined February 7, 2008 (test period).

"In the Matter of the Application of Rocky Mountain Power for Authority to Increase Its Retail Electric Utility Service Rates in Wyoming, Consisting of a General Rate Increase of Approximately $36.1 Million per Year, and for Approval of a New Renewable Resource Mechanism and Marginal Cost Pricing Tariff," **Wyoming** Public Service Commission, Docket No. 20000-277-ER-07. Direct testimony submitted January 7, 2008. Cross examined March 6, 2008.

"In the Matter of the Application of Idaho Power Company for Authority to Increase Its Rates and Charges for Electric Service to Electric Customers in the State of Idaho," **Idaho** Public Utilities Commission, Case No. IPC-E-07-8. Direct testimony submitted December 10, 2007. Cross examined January 23, 2008.

"In The Matter of the Application of Consumers Energy Company for Authority to Increase Its Rates for the Generation and Distribution Of Electricity and Other Relief," **Michigan** Public Service Commission, Case No. U-15245. Direct testimony submitted November 6, 2007. Rebuttal testimony submitted November 20, 2007.

"In the Matter of Montana-Dakota Utilities Co., Application for Authority to Establish Increased Rates for Electric Service," **Montana** Public Service Commission, Docket No. D2007.7.79. Direct testimony submitted October 24, 2007.

"In the Matter of the Application of Public Service Company of New Mexico for Revision of its Retail Electric Rates Pursuant to Advice Notice No. 334," **New Mexico** Public Regulation Commission, Case No. 07-0077-UT. Direct testimony submitted October 22, 2007. Rebuttal testimony submitted November 19, 2007. Cross examined December 12, 2007.

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"In the Matter of General Adjustment of Electric Rates of East Kentucky Power Cooperative, Inc.," **Kentucky** Public Service Commission, Case No. 2006-00472. Direct testimony submitted July 6, 2007. Supplemental direct testimony submitted March 18, 2008.

"Application of Nevada Power Company for Authority to Increase Its Annual Revenue Requirement for General Rates Charged to All Classes of Electric Customers and for Relief Properly Related Thereto," Public Utilities Commission of **Nevada**, Docket No. 06-11022. Direct testimony submitted March 14, 2007 (Phase III – revenue requirements) and March 19, 2007 (Phase IV – rate design). Cross examined April 10, 2007 (Phase III – revenue requirements) and April 16, 2007 (Phase IV – rate design).

"Monongahela Power Company and The Potomac Edison Company, both d/b/a Allegheny Power – Rule 42T Application to Increase Electric Rates and Charges," Public Service Commission of **West Virginia**, Case No. 06-0960-E-42T; "Monongahela Power Company and The Potomac Edison Company, both d/b/a Allegheny Power – Information Required for Change of Depreciation Rates Pursuant to Rule 20," Case No. 06-1426-E-D. Direct and rebuttal testimony submitted January 22, 2007.

"In the Matter of Application of The Union Light, Heat and Power Company d/b/a Duke Energy Kentucky, Inc. for an Adjustment of Electric Rates," **Kentucky** Public Service Commission, Case No. 2006-00172. Direct testimony submitted September 13, 2006.

"In the Matter of Appalachian Power Company's Application for Increase in Electric Rates," **Virginia** State Corporation Commission, Case No. PUE-2006-00065. Direct testimony submitted September 1, 2006. Cross examined December 7, 2006.

"In the Matter of the Application of Arizona Public Service Company for a Hearing to Determine the Fair Value of the Utility Property for Ratemaking Purposes, to Fix a Just and Reasonable Rate of Return Thereon, To Approve Rate Schedules Designed to Develop Such Return, and to Amend Decision No. 67744, **Arizona** Corporation Commission," Docket No. E-01345A-05-0816. Direct testimony submitted August 18, 2006 (revenue requirements) and September 1, 2006 (cost-of-service/rate design). Surrebuttal testimony submitted September 27, 2006. Cross examined November 7, 2006.

"Re: The Tariff Sheets Filed by Public Service Company of Colorado with Advice Letter No 1454 – Electric," **Colorado** Public Utilities Commission, Docket No. 06S-234EG. Answer testimony submitted August 18, 2006.

"Portland General Electric General Rate Case Filing," Public Utility Commission of **Oregon,** Docket No. UE-180. Direct testimony submitted August 9, 2006. Joint testimony regarding stipulation submitted August 22, 2006.

"2006 Puget Sound Energy General Rate Case," **Washington** Utilities and Transportation Commission, Docket Nos. UE-060266 and UG-060267. Response testimony submitted July 19, 2006. Joint testimony regarding stipulation submitted August 23, 2006.

"Central Illinois Light Company d/b/a AmerenCILCO, Central Illinois Public Service Company d/b/a AmerenCIPS, Illinois Power Company d/b/a AmerenIP, Proposed General Increase in Rates for Delivery Service (Tariffs Filed December 27, 2005)," **Illinois** Commerce Commission, Docket Nos. 06-0070, 06-0071, 06-0072. Direct testimony submitted March 26, 2006. Rebuttal testimony submitted June 27, 2006.

"In the Matter of Appalachian Power Company and Wheeling Power Company, both dba American Electric Power," Public Service Commission of **West Virginia**, Case No. 05-1278-E-PC-PW-42T. Direct and rebuttal testimony submitted March 8, 2006.

"In the Matter of the Application of Arizona Public Service Company for an Emergency Interim Rate Increase and for an Interim Amendment to Decision No. 67744," **Arizona** Corporation Commission, Docket No. E-01345A-06-0009. Direct testimony submitted February 28, 2006. Cross examined March 23, 2006.

"In the Matter of the Applications of Westar Energy, Inc. and Kansas Gas and Electric Company for Approval to Make Certain Changes in Their Charges for Electric Service," State Corporation Commission of **Kansas**, Case No. 05-WSEE-981-RTS. Direct testimony submitted September 9, 2005. Cross examined October 28, 2005.

"In the Matter of Application of The Detroit Edison Company to Unbundle and Realign Its Rate Schedules for Jurisdictional Retail Sales of Electricity," **Michigan** Public Service Commission, Case No. U-14399. Direct testimony submitted June 9, 2005. Rebuttal testimony submitted July 1, 2005.

"In the Matter of the Application of Trico Electric Cooperative, Inc. for a Rate Increase," **Arizona** Corporation Commission, Docket No. E-01461A-04-0607. Direct testimony submitted April 13, 2005. Surrebuttal testimony submitted May 16, 2005. Cross examined May 26, 2005.

"In the Matter of the Application of PacifiCorp for Approval of its Proposed Electric Service Schedules and Electric Service Regulations," **Utah** Public Service Commission, Docket No. 04-035-42. Direct testimony submitted January 7, 2005.

"2004 Puget Sound Energy General Rate Case," **Washington** Utilities and Transportation Commission, Docket Nos. UE-040641 and UG-040640. Response testimony submitted

September 23, 2004. Cross-answer testimony submitted November 3, 2004. Joint testimony regarding stipulation submitted December 6, 2004.

"In the Matter of the Application of Idaho Power Company for Authority to Increase Its Interim and Base Rates and Charges for Electric Service," **Idaho** Public Utilities Commission, Case No. IPC-E-03-13. Direct testimony submitted February 20, 2004. Rebuttal testimony submitted March 19, 2004. Cross examined April 1, 2004.

"In the Matter of the Applications of the Ohio Edison Company, the Cleveland Electric Illuminating Company and the Toledo Edison Company for Authority to Continue and Modify Certain Regulatory Accounting Practices and Procedures, for Tariff Approvals and to Establish Rates and Other Charges, Including Regulatory Transition Charges Following the Market Development Period," Public Utilities Commission of **Ohio**, Case No. 03-2144-EL-ATA. Direct testimony submitted February 6, 2004. Cross examined February 18, 2004.

"In the Matter of the Application of Arizona Public Service Company for a Hearing to Determine the Fair Value of the Utility Property of the Company for Ratemaking Purposes, To Fix a Just and Reasonable Rate of Return Thereon, To Approve Rate Schedules Designed to Develop Such Return, and For Approval of Purchased Power Contract," **Arizona** Corporation Commission, Docket No. E-01345A-03-0437. Direct testimony submitted February 3, 2004. Rebuttal testimony submitted March 30, 2004. Direct testimony regarding stipulation submitted September 27, 2004. Responsive / Clarifying testimony regarding stipulation submitted October 25, 2004. Cross examined November 8-10, 2004 and November 29-December 3, 2004.

CERTIFICATE OF SERVICE

I hereby certify that true copy of the foregoing was served by regular U.S. mail, postage prepaid, unless otherwise noted, on the attached this 30th day of June, 2010 to the parties listed below.

Kurt J. Boehm, Esq.

SERVICE LIST

DOCKET NO. 37744
SOAH No. 473-10-1962

APPLICATION OF ENTERGY TEXAS INC. FOR AUTHORITY TO CHANGE RATES AND RECONCILE FUEL COSTS

PARTIES	REPRESENTATIVE/ADDRESS
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TEXAS INDUSTRIAL ENERGY CONSUMERS Filed MTI 1/4/10 nsh; Per SOAH Order No. 2 – MTI Granted 1/28/10 as	MEGHAN GRIFFITHS ANDREWS KURTH LLP 111 CONGRESS AVE SUITE 1700 AUSTIN TX 78701 512-320-9200 512-320-9292 FAX

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STATE OF TEXAS Filed MTI 1/7/10 nsh; Per SOAH Order No. 2 – MTI Granted 1/28/10 as	SUSAN M KELLEY CONSUMER PROTECTION & PUBLIC HEALTH DIVISION OFFICE OF ATTORNEY GENERAL PO BOX 12548 AUSTIN TX 78711-2548 512-475-4173 512-322-9114 FAX
ROSE CITY Filed MTI 1/8/10 nsh; Per SOAH Order No. 2 – MTI Granted 1/28/10 as	STEPHEN MACK 701 BRAZAOS SUITE 500 AUSTIN TX 78701 512-322-0019 512-716-8917 FAX
KROGER COMPANY Filed MTI 1/12/10 nsh; Per SOAH Order No. 2 – MTI Granted 1/28/10 as	KURT BOEHM BOEHM KURTZ LOWRY 36 EAST SEVENTH ST SUITE 1510 CINCINNATI OH 45202 513-421-2255 513-421-2764 FAX kboehm@BKLlawfirm.com
COTTONWOOD ENERGY COMPANY, LP] Filed MTI 1/13/10 nsh Commission Granted Appeal of Order No. 3 - 3/11/10 Granting Cottonwood's Motion to Intervene – nsh; SOAH Order No. 4 Reiterates that Cottonwood has a justiciable interest in this proceeding and is a party to this case 3/25/10 as	KATHLEEN E MAGRUDER BROWN MCCARROLL LLP 1111 BAGBY 47TH FLOOR HOUSTON TX 77002-2543 713-525-6229 713-286-2129 FAX kmagruder@mailbmc.com
OFFICE OF PUBLIC UTILITY COUNSEL Filed MTI 1/20/10 nsh; Per SOAH Order No. 2 – MTI Granted 1/28/10 as	SARA J FERRIS OFFICE OF PUBLIC UTILITY COUNSEL 1701 N CONGRESS AVE SUITE 9-180 PO BOX 12397 AUSTIN TX 78711-2397 512-936-7500 512-936-7520 FAX

PARTIES	REPRESENTATIVE/ADDRESS
WAL-MART STORES TEXAS, LLC Filed MTI 1/25/10 nsh; Per SOAH Order No. 2 – MTI Granted 1/28/10 as; SOAH Order No. 4 – Adding Mr. Farrell to the case 3/25/10	RICK D CHAMBERLAIN SEAN D FARRELL BEHRENS TAYLOR WHEELER & CHAMBERLAIN 6 NE 63RD ST SUITE 400 OKLAHOMA CITY OK 73105-1401 405-848-1014 405-848-3155 FAX Rdc.law@swbell.net
ANGELITA MOYER Filed MTI 2/24/10 nsh	ANGELITA MOYER 423 BRENDA LANE CONROE TX 77385
SABINE COGEN LP Filed MTI 4/21/10 rdh; Per SOAH Order No. 5 – Denying Motion to Intervene 5/3/10 as	~~MATTHEW F CARROLL~~ ~~BALCH & BINGHAM LLP~~ ~~1901 6TH AVENUE NORTH~~ ~~POST OFFICE BOX 306~~ ~~BIRMINGHAM, AL 35203-4642~~ ~~205-226-3451~~ ~~205-488-5666 FAX~~ ~~mcarroll@balch.com~~

Verified by: 1/22/10 nsh; 1/28/10 nsh; 2/4/10 nsh; 3/11/10 nsh; 5/3/10 as