

Control Number: 40295



Item Number: 55

Addendum StartPage: 0

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APPLICATION OF ENTERGY TEXAS, § BEFORE THE STATE OFFICE
INC. FOR RATE CASE EXPENSES § OF
PERTAINING TO PUC DOCKET NO. §
39896 § ADMINISTRATIVE HEARINGS

TEXAS INDUSTRIAL ENERGY CONSUMERS' INITIAL BRIEF

Texas Industrial Energy Consumers (TIEC) files this initial brief reiterating its statement of position in this proceeding.

Entergy Texas, Inc. (ETI) has requested recovery of approximately \$8.7 million in rate case expenses related to Docket No. 39896.¹ Pursuant to PURA § 36.061(b), a utility's right to recover "reasonable costs of participating in a [ratemaking] proceeding" is a matter that is within the Commission's discretionary authority. Further, the Commission has broad authority to determine the definition of "reasonable" rate case expenses.² It is TIEC's position that the Commission should consider the policy arguments set forth by Staff, the Office of Public Utility Counsel, and the State of Texas in determining ETI's reasonable rate case expenses associated with Docket No. 39896.

¹ ETI Ex. 5, Supplemental Direct Testimony of Michael P. Considine, Exhibit MPC-SD-5 at I (October 25, 2012).

² *City of El Paso v. Pub. Util. Comm'n*, 916 S.W.2d 515, 522 (Tex. App.—Austin, 1995, writ diss'd by agr.) ("The Commission thus has broad discretion to determine which requested expenses should be allowed).

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Meghan Griffiths, Attorney for TIEC, hereby certify that a copy of TIEC's Initial Brief was served on all parties of record in this proceeding on this 7th day of December, 2012 by hand-delivery, facsimile, electronic mail and/or First Class, U.S. Mail, Postage Prepaid.



Meghan Griffiths