



Control Number: 41235



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APPLICATION OF ENTERGY TEXAS,  
INC. FOR TRANSMISSION COST  
RECOVERY RIDER

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§

BEFORE THE STATE OFFICE OF  
ADMINISTRATIVE HEARINGS

**STATE AGENCIES' MOTION TO INTERVENE AND  
REQUEST FOR LEAVE TO FILE LATE INTERVENTION**

The State of Texas' agencies and institutions of higher education ("State Agencies") served by Entergy Texas, Inc. ("ETI") file this motion to intervene in accordance with PUC PROC. R. §§ 22.103 & 22.104. Although the intervention deadline has passed, good cause exists for State Agencies to file this Motion to Intervene following ETI's substantive amendment to its original Application. State Agencies' formal request for leave to file a late intervention is set out at the end of this motion.

**Motion to Intervene**

1. A number of State agencies and institutions of higher education are located in the ETI service area and will be directly affected by the issues considered and any determinations reached in this docket. State Agencies therefore have a justiciable interest in this proceeding.

2. The Attorney General is charged with representation of the interests of State Agencies. This responsibility and duty is founded in the Texas Constitution, Article IV, § 22, and TEX. GOV'T CODE § 402.021 and 402.023(b) (West 2009). See also *State v. Thomas*, 766 S.W.2d 217, 219 (Tex. 1989). Therefore, the Office of the Attorney General has standing to intervene in this proceeding to represent State Agencies' interests as consumers.

3. State Agencies' representatives for purposes of this proceeding are the following Assistant Attorneys General, who should be served with all pleadings:

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Bryan L. Baker  
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4. State Agencies respectfully request that they be granted leave to intervene in this proceeding, and receive all notices, pleadings, orders and all other documents filed herein.

**Request for Leave to File Late Intervention**

Pursuant to PUC PROC. R. 22.104(d)(1), late interventions may be granted. State Agencies made the decision to intervene in this proceeding after ETI filed a major substantive amendment to its original Application in this proceeding. We hereby address the major considerations for granting late intervention, as set out in the procedural rules.

**Good Cause** – State Agencies are a party to *Application of Entergy Texas, Inc., ITC Holdings Corp., Mid South TransCo LLC, Transmission Company Texas, LLC, and ITC Midsouth LLC for Approval of Change of Ownership and Control of Transmission Business, Transfer of Certification Rights, Certain Cost Recovery Approvals, and Related Relief*, PUC

Docket No. 41223. On March 29, 2013, the Commission issued its Preliminary Order in Docket No. 41223, which removed certain issues from that proceeding.<sup>1</sup> On April 10, 2013, two days after the intervention deadline in this proceeding, ETI filed an Amended Application which for the first time sought to add the issues removed from Docket No. 41223 into this Docket No. 41235. After reading this Amended Application, and considering both the new issues and the previous issues in this proceeding, counsel for State Agencies immediately sought expedited approval from our supervisors for permission to intervene in this proceeding, permission which was granted on April 16. Under these circumstances, good cause exists for State Agencies' late intervention.

**Other Considerations** – State Agencies' interests generally overlap with those of current parties to this proceeding, and our participation will not create any substantial additional burdens upon, or prejudice to, those existing parties. Because we accept the procedural schedule as it currently exists (or is subsequently modified),<sup>2</sup> and the record has not yet been developed, State Agencies' late intervention will not disrupt the proceeding. Because State Agencies are comprised of large and small taxpayer-supported institutions in ETI's service area, the public interest will be served by our participation in this proceeding.

For these reasons, State Agencies respectfully request that our late intervention be granted.

**Dated:** April 17, 2013

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<sup>1</sup> A Draft Preliminary Order, identical in pertinent part to the final version issued by the Commission, was circulated on March 15, 2013, almost four weeks prior to the filing of ETI's Amended Application in this proceeding.

<sup>2</sup> We are aware that Staff and other intervenors have proposed a modification of the procedural schedule, and State Agencies also find that revised schedule acceptable.

Respectfully submitted,

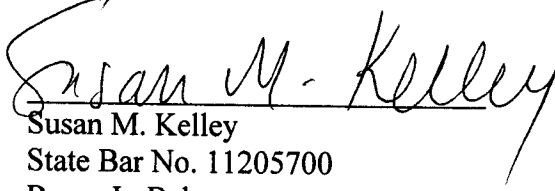
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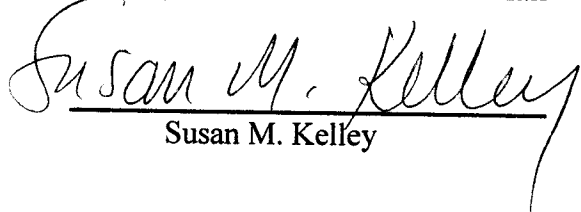


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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of **State Agencies' Motion to Intervene and Request for Leave to File Late Intervention** has been served upon ETI and all parties of record in Docket No. 41235 by hand delivery, facsimile, or email, and/or First Class U.S. Mail on or before April 17, 2013.



Susan M. Kelley