



Control Number: 48371



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**SOAH DOCKET NO. 473-18-3733
PUC DOCKET NO. 48371**

**ENTERGY TEXAS, INC.'S STATEMENT
OF INTENT AND APPLICATION FOR
AUTHORITY TO CHANGE RATES**

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**BEFORE THE STATE OFFICE
OF
ADMINISTRATIVE HEARINGS**

2018 MAY 18 AM 10:45

OF

**SOAH ORDER NO. 1
FILING DESCRIPTION; NOTICE OF PREHEARING CONFERENCE; SUSPENSION
OF EFFECTIVE DATE; APPROVING PROTECTIVE ORDER; AND REQUIRING
STAFF COMMENT ON NOTICE**

I. FILING DESCRIPTION

On May 15, 2018, Entergy Texas, Inc. (Entergy) filed an application with the Public Utility Commission of Texas (Commission) requesting authority to change its base rates (Application). Entergy seeks approval a total non-fuel retail amount of approximately \$926 million per year, an increase of \$16.7 million, or 1.84% across all customer classes. Including fuel, the request represents an increase of 1.16%. Entergy's proposed rates and revenues reflect the inclusion of federal income tax reductions due to the Tax Cuts and Jobs Act of 2017 (TCJA), and a TCJA Rider that is designed to return approximately \$201.7 million of unprotected excess accumulated deferred federal income taxes over a period of two years.

The Application is based on a 12-month test year ending December 31, 2017 (Test Year). Entergy requests inclusion in rate base of capital additions closed to plant in the period of April 1, 2013, through the end of the Test Year, as well as a Post-Test Year adjustment to include capital additions placed in service by June 30, 2018.

Entergy also seeks a rider to provide a pass-through of charges and credits to Entergy under wholesale tariffs approve by FERC (FERC Rider).

II. JURISDICTION AND SUSPENSION OF RATES

The Commission has jurisdiction and authority over this proceeding pursuant to PURA §§ 14.001, 31.002(6), 32.001, 36.001-36.112, and 36.209-36.211.¹ Also applicable to this case are Commission rules found at 16 Texas Administrative Code §§ 25.231, 25.234, 25.238, 25.243, and 25.245.

The Commission referred this case to the State Office of Administrative Hearings (SOAH) on May 16, 2018, requesting the assignment of an Administrative Law Judge (ALJ) to conduct a hearing and issue a proposal for decision (PFD), if necessary. SOAH has jurisdiction over matters relating to the conduct of the hearing in these proceedings pursuant to Texas Government Code § 2003.049.

Entergy requests that the final rates set in this proceeding be made effective 35 days after the filing of its Statement of Intent and Application, which is June 19, 2018. Pursuant to 16 Texas Administrative Code §§ 25.241(i) and 22.33(c), the ALJ hereby suspends the effective date of Entergy's requested rates from June 19, 2018, until November 16, 2018, to allow sufficient time for a final determination.

III. NOTICE OF PREHEARING CONFERENCE

The undersigned ALJ will convene a prehearing conference at **10:00 a.m., May 29, 2018**, in a SOAH hearing room in the **William P. Clements Office Building, 300 West 15th Street, Fourth Floor, Austin, Texas.**² The following matters will be discussed:

1. Pending motions to intervene.
2. Any other motion filed by 3:00 p.m. on May 25, 2018, and emailed to the ALJ's assistant on that day.³

¹ Public Utility Regulatory Act, Tex. Util. Code, Title 2.

² Those attending the prehearing are advised that they must check in with building security personnel in the lobby of the William P. Clements Building and be issued visitor badges before proceeding to the hearing room. The parties should allow sufficient time for the check-in procedure.

3. A procedural schedule, including a date for the hearing that will enable the Commission to make a final decision by the jurisdictional deadline.⁴ To assist the parties in making this determination, the parties should calculate a hearing date in the following manner:
 - a. Find the open meeting date immediately prior to the effective date.
 - b. Assume PFD issuance 21 days prior to the date in a. above.
 - c. Subtract 60 days from the date in b. above, which is the day that reply briefs would be due.
 - d. Determine appropriate briefing deadlines that allow reply briefs to be filed on the date calculated in c. above.
 - e. Depending on transcript turnaround time, calculate the last hearing day that would allow a briefing deadline calculated in d. above.
 - f. Determine the number of days needed for hearing and determine which day would be the first day of hearing.
4. Service procedures, including service by email, by Interchange, or any other method acceptable to the parties.
5. Any other matters that may assist in the disposition of this case in a fair and efficient manner.

IV. NOTICE

Entergy filed a proposed form of notice in its Application. Commission Staff shall examine Entergy's proposed notice and, **on or before May 24, 2018**, provide comment or objection about sufficiency of notice. If Staff finds the proposed notice sufficient, Entergy shall immediately commence providing notice.

V. DISCOVERY AND PROTECTIVE ORDER

Discovery may begin immediately pursuant to Subchapter H of the Commission's Procedural Rules. Entergy has requested approval of the proposed protective order attached to its Application. The proposed protective order is hereby **APPROVED**, subject to any objections

³ Denise.Kimbrough@soah.texas.gov.

⁴ Entergy included a proposed procedural schedule in the Application. That schedule would provide approximately 4 weeks for the PFD to be written, which is not a workable schedule.

raised by the parties before the prehearing conference. Any objections raised by the parties will be discussed and resolved at that time.

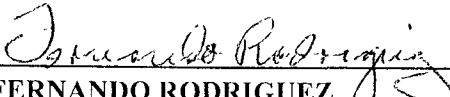
VI. FILING AND SERVICE PROCEDURES

All pleadings shall be filed with the Commission's filing clerk, not with the SOAH filing clerk. The Commission's filing clerk will forward a copy of the pleadings to SOAH. Parties wishing to hand-deliver a file-stamped copy of a pleading to the ALJ should deliver it to Room 505, Fifth Floor, William P. Clements Building, 300 West 15th Street, Austin, Texas. Parties may also email copies of pleadings, especially those that are time-sensitive, to the ALJ's Administrative Assistant, Denise Kimbrough at Denise.Kimbrough@soah.texas.gov, as long as all other parties are copied on the same email.

The procedures regarding filing specified in the Subchapter E of the Commission's procedural rules apply in this proceeding. All parties are expected to know those procedures and comply with them fully. Pleadings and other filing shall be deemed filed when the proper number of legible copies are presented to the Commission filing clerk for filing.

All mail sent to the parties by the ALJ will be sent first class mail or by email, unless a party requests express mailing and provides an express mail account number. Parties wishing to receive ALJ mailings by email should register for email service on the SOAH website. Parties seeking to arrange express mailing should contact Ms. Kimbrough at the email address, above.

SIGNED May 17, 2018.



FERNANDO RODRIGUEZ
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS