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SOAH DOCKET NO. 473-18-4420  
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APPLICATION OF ENTERGY TEXAS,  
INC. TO ADJUST ITS ENERGY  
EFFICIENCY COST RECOVERY  
FACTOR

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BEFORE THE STATE OFFICE  
OF  
ADMINISTRATIVE HEARINGS

SOAH ORDER NO. 1  
DESCRIBING CASE, SETTING DEADLINES, DISCUSSING PROCEDURES,  
ADMITTING INTERVENORS, AND APPROVING PROTECTIVE ORDER

I. DESCRIPTION OF CASE

On May 1, 2019, Entergy Texas, Inc. (Entergy) filed an application to adjust its energy efficiency cost recovery factor (EECRF). Entergy requests approval to collect a total of \$8,010,795 in 2020, with the proposed adjustments effective as of January 1, 2020.

On May 2, 2019, the Public Utility Commission of Texas (Commission) referred this case to the State Office of Administrative Hearings (SOAH), requesting the assignment of an Administrative Law Judge (ALJ) to conduct a hearing and issue a proposal for decision, if such is necessary. The Commission issued its Preliminary Order in this case on May 24, 2019.

The Commission has jurisdiction pursuant to § 39.905 of the Public Utility Regulatory Act and 16 Texas Administrative Code § 25.181. SOAH has jurisdiction over matters relating to the conduct of the hearing in this proceeding pursuant to Texas Government Code § 2003.049.

II. NOTICE AND SUFFICIENCY OF APPLICATION

Entergy filed its Proof on Notice on May 15, 2019, and requested that its Notice be approved and found sufficient. To that end, Staff **SHALL** file its comments on the sufficiency of Entergy's application and proposed notice no later than **June 7, 2019**.

### III. NOTICE OF PREHEARING CONFERENCE

The Administrative Law Judge will convene a prehearing conference in this case at **10:00 a.m., Monday, June 10, 2019, at the SOAH hearing facility, William Clements Building, 300 W. 15<sup>th</sup> Street, Fourth Floor, Austin, Texas 78711.** At the prehearing conference, the ALJ will take up any issues raised by the parties including, but not limited to, the adoption of a procedural schedule. A list of issues the parties may wish to discuss at the prehearing conference must be filed no later than **3:00 p.m., Friday, June 7, 2019.** The parties are advised that they must clear security at the security desk in the foyer of the Clements Building and they should allow sufficient time to complete the process.

### IV. DISCOVERY

Discovery may begin immediately pursuant to Subchapter H of the Commission's Procedural Rules. The following deadlines, used in Entergy's previous EECRF docket, shall apply to discovery in this case unless the parties object and propose different deadlines:

- Responses to requests for information (RFIs) shall be filed within 10 calendar days of receipt;
- Objections to RFIs shall be filed within five working days of receipt;
- Motions to compel shall be filed within two working days of receipt of objections; and
- Responses to motions to compel shall be filed within two working days of receipt.

### V. PROCEDURAL SCHEDULE

The parties **SHALL** confer and Entergy shall submit a proposed procedural schedule by the date of the prehearing conference on **June 10, 2019.** The schedule shall include deadlines to intervene and to request a hearing, and shall include deadlines that apply if a hearing is requested and deadlines that apply if a hearing is not requested. If the parties wish to change the standard

discovery deadlines, they shall address such in the proposed schedule. The parties shall negotiate in an effort to agree on a schedule but if that effort fails, any pleadings regarding the schedule shall be filed no later than the morning of **Monday, June 10, 2018**. The ALJ will issue an order setting a schedule based on such filing(s). In lieu of a prehearing conference, the parties may file on or before the **close of business Thursday, June 6, 2019**, a jointly-proposed procedural schedule, a request to cancel the prehearing conference, and a statement that there are no outstanding issues that should be discussed at a prehearing conference.

## 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. The procedures regarding filing specified in Subchapter E of the Commission's procedural rules apply in this proceeding, except that given the regulatory deadline for this case, unless otherwise specified, responses to any motion or other pleading shall be filed with **three working days** from receipt of the pleading to which the response is made. Pleadings and other filings shall be deemed filed when the proper number of legible copies is presented to the Commission filing clerk for filing. 16 Tex. Admin. Code § 22.71(c).

All mail sent to the parties by the ALJ will be sent by email, first class mail, or fax, unless a party requests express mailing and provides an express mail account number.

Regarding administrative matters (such as available dates in the ALJ's schedule), a party may contact Erin Hurley, at [erin.hurley@soah.texas.gov](mailto:erin.hurley@soah.texas.gov) or 512-475-3419.

## VII. INTERVENTIONS


On May 14, 2019, Texas Industrial Energy Consumers (TIEC) filed a motion to intervene. On May 17, 2019, the cities of Anahuac, Beaumont, Bridge City, Cleveland, Dayton, Groves, Houston, Huntsville, Liberty, Montgomery, Navasota, Nederland, Oak Ridge North, Orange, Pine

Forest, Pinehurst, Port Arthur, Port Neches, Roman Forest, Shenandoah, Sour Lake, Splendora, Vidor, and West Orange (Cities) file a Motion to Intervene. No objections have been filed. As a result, TIEC and Cities are admitted as parties.

**VIII. PROTECTIVE ORDER**

The protective order filed with Entergy's application is **ADOPTED** and shall apply in this matter.

**SIGNED May 30, 2019.**

  
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FERNANDO RODRIGUEZ  
ADMINISTRATIVE LAW JUDGE  
STATE OFFICE ADMINISTRATIVE HEARINGS