



Control Number: 51575



Item Number: 18

Addendum StartPage: 0

DOCKET NO. 51575

FILED
2021 JAN -7 PM 1:34

APPLICATION OF ENTERGY TEXAS,
INC. TO AMEND ITS CERTIFICATE
OF CONVENIENCE AND NECESSITY
TO DEPLOY NATURAL GAS-FIRED
DISTRIBUTED GENERATION AND
STATEMENT OF INTENT FOR RATE
SCHEDULE UODG

§
§
§
§
§
§
§

PUBLIC UTILITY COMMISSION
OF TEXAS
PUBLIC UTILITY COMMISSION
FILED

COMMISSION STAFF'S RECOMMENDATION ON SUFFICIENCY

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this recommendation. Staff recommends that the application be deemed sufficient. In support thereof, Staff shows the following:

I. BACKGROUND

On December 9, 2020, Entergy Texas, Inc. (ETI) filed an application to amend its certificate of convenience and necessity (CCN) to own and operate up to 75 megawatts of natural gas-fired distributed generation to be installed at commercial and industrial customer premises. The application also included a statement of intent for approval of the rate schedule utility owned distributed generation and associated customer agreement.

On December 15, 2020, Order No. 1 was filed, requiring Staff to file recommendations or comments on deficiencies in the application, compliance with notice requirements, and propose a procedural schedule by January 7, 2021. This pleading, therefore, is timely filed.

II. SUFFICIENCY

Staff has reviewed the application and has not identified any material deficiencies. Therefore, Staff recommends that the application be deemed sufficient.

III. NOTICE

Staff has reviewed ETI's proof of notice filed on December 29, 2020 and supplemental proof of notice filed on December 30, 2020 and January 4, 2021 and concludes that the notice complies with 16 Texas Administrative Code (TAC) §§ 22.52 and 22.55. In those filings, ETI attested to providing notice either electronically or by mail to affected entities, including parties

to ETI's most recent base rate case,¹ the Office of Public Utility Counsel, Texas Parks and Wildlife Division, and affected cities and counties. In addition, ETI published notice in a newspaper of general circulation in every county within its service area.

Staff has also reviewed ETI's requests for good cause waiver to the mapping requirements of 16 TAC § 22.52(a)(1)(B) and (C) and the environmental impact study requirements of 16 TAC § 22.52(a)(1)(E). Staff recommends that both requests be granted. There are no transmission line routes at issue in this proceeding, and the locations for the generators in question have not yet been determined. Consequently, undertaking environmental impact studies and producing mapping information would be impractical, if not altogether impossible.

Therefore, Staff recommends that ETI's notice be deemed sufficient.

IV. PROPOSED PROCEDURAL SCHEDULE

After conferring with the parties, Staff proposes the following procedural schedule:

Event	Date
Application filed	December 9, 2020
Intervention deadline; deadline for intervenors to request a hearing on the merits	January 25, 2021
<i>If qualified for informal disposition:</i>	
Deadline for Commission Staff to file a final recommendation or request a hearing on the merits	February 5, 2021
Deadline for ETI to request a hearing or respond to intervenor comments and Staff recommendation on final disposition; or, deadline for parties to file a joint proposed order, including proposed findings of fact, conclusions of law, and ordering paragraphs	February 19, 2021
If applicable, administrative review completed 80 days from date of December 9, 2020 filing	March 1, 2021 ²

¹ *Entergy Texas, Inc 's Statement of Intent and Application for Authority to Change Rates*, Docket No. 48371, Order (Dec. 20, 2018).

² Eighty days from the application filing date of December 9, 2020, is Saturday, February 27, 2021, a weekend. Therefore, under 16 TAC § 22.4, the intervention deadline advances to the next day the Commission is open for business, which is Monday, March 1, 2021.

V. CONCLUSION

Staff respectfully requests the issuance of an order consistent with the foregoing recommendation.

Dated: January 7, 2021

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Rachelle Nicolette Robles
Division Director

Eleanor D'Ambrosio
Managing Attorney

/s/ Creighton R. McMurray
Creighton R. McMurray
State Bar No. 24109536
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7275
(512) 936-7268 (facsimile)
creighton.mcmurray@puc.texas.gov

DOCKET NO. 51575

CERTIFICATE OF SERVICE

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record on January 7, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Creighton R. McMurray
Creighton R. McMurray