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APPLICATION OF ENTERGY TEXAS,	§	PUBLIC UTILITY COMMISSION
INC. FOR AUTHORITY TO ADJUST ITS	§	
ENERGY EFFICIENCY COST	§	OF TEXAS
RECOVERY FACTOR AND REQUEST	§	
TO ESTABLISH REVISED COST CAPS	§	

COMMISSION STAFF’S COMMENTS ON SUFFICIENCY OF THE APPLICATION AND NOTICE

On May 3, 2021, Entergy Texas, Inc. (ETI) filed an application with the Public Utility Commission of Texas (Commission) to adjust its energy efficiency cost recovery factor (EECRF). ETI seeks to adjust its EECRF for 2022 to recover a total of \$12,080,473 and requests that the Commission approve the adjusted EECRF to be effective with the first billing cycle of January 2022. ETI also requests a good cause exception to establish a higher cost cap for its commercial rate classes than that prescribed in 16 Texas Administrative Code (TAC) § 25.182(d)(7)(C). On May 13, 2021, ETI filed proof of notice. On May 25, 2021, the Commission referred this case to the State Office of Administrative Hearings (SOAH).

On May 26, 2021, SOAH Order No. 1 was filed, requiring Commission Staff (Staff) to file comments on the sufficiency of ETI’s application and proposed notice by June 1, 2021. Therefore, this pleading is timely filed.

I. SUFFICIENCY OF THE APPLICATION

Under 16 TAC § 25.182(d)(8), a utility in an area in which customer choice is not offered must apply to adjust its EECRF by no later than May 1 of each year.¹ Under 16 TAC § 25.182(d)(10), an EECRF application is required to include testimony and schedules in Excel format with intact formulas for each retail rate class for the prior program year and the proposed program year. An EECRF application must address the metrics and factors identified under 16 TAC §§ 25.182(d)(10) and (11), as applicable, to support the recovery of energy efficiency costs.

Staff has reviewed ETI’s application and recommends that the application satisfies all applicable requirements under 16 TAC § 25.182(d). Therefore, Staff recommends that ETI’s

¹ The Commission was closed on Saturday, May 1, 2021. The next day the Commission was open for business was Monday, May 3, 2021. Therefore, under 16 Tex. Admin. Code (TAC) § 22.4(a), ETI’s deadline to file this EECRF application was May 3, 2021.

application be found sufficient for a review on the merits. Staff reserves the right to later assert certain thresholds required by the aforementioned provisions may require ETI to supplement the application. Staff may also require ETI to supplement its application following discovery.

II. SUFFICIENCY OF NOTICE

Notice in an EECRF proceeding is governed by 16 TAC §§ 25.182(d)(13) and (14). Under 16 TAC § 25.182(d)(13), within seven days of the date an EECRF application is filed, a utility must provide a general written description of the application and its docket number to all parties participating in the utility's most recent EECRF proceeding, all parties participating in the utility's most recently completed base rate case, and to the state agency that administers the federal weatherization program.² Additionally, under 16 TAC § 25.182(d)(14), an affidavit attesting to the completion of notice must be filed within 14 days of the date the application is filed.

On May 13, 2021, ETI filed an affidavit attesting that notice containing a general written description of the application and its docket number was provided on May 4, 2021 to all parties participating in ETI's most recent EECRF proceeding (Docket No. 50803),³ all parties participating in ETI's most recently completed base rate case (Docket No. 48371),⁴ and the Texas Department of Housing and Community Affairs, which is the state agency that administers the federal weatherization program. May 4, 2021 is within seven days of May 3, 2021, which is the date the application was filed. Additionally, ETI's affidavit of notice was filed within 14 days of May 3, 2021. Therefore, Staff recommends that ETI's notice be found reasonable and sufficient.

III. CONCLUSION

Staff recommends that ETI's application and notice be found reasonable and sufficient under 16 TAC § 25.182(d). Staff respectfully requests that an order be issued consistent with the foregoing recommendations.

² 16 TAC § 25.182(d)(13) also requires a utility to send notice of its application to any retail electric provider (REP) in its service area. Because ETI does not have any REPs in its service area, this provision is not applicable.

³ *Application of Entergy Texas, Inc. to Adjust its Energy Efficiency Cost Recovery Factor*, Docket No. 50803 (May 1, 2020).

⁴ *Entergy Texas, Inc.'s Statement of Intent and Application for Authority to Change Rates*, Docket No. 48371 (Dec. 20, 2018).

Dated: June 1, 2021

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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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 June 1, 2021 in accordance with the Order Suspending Rules filed in Project No. 50664.

/s/Courtney Dean
Courtney N. Dean