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PUC DOCKET NO. 52689

EXPEDITED PETITION OF	§	
CENTERPOINT ENERGY HOUSTON	§	PUBLIC UTILITY COMMISSION
ELECTRIC, LLC FOR APPROVAL OF	§	
INTERIM LOAD MANAGEMENT	§	OF TEXAS
PROGRAMS FOR NONRESIDENTIAL	§	
CUSTOMERS AND FOR AN	§	
ACCOUNTING ORDER	§	

**ALLIANCE FOR RETAIL MARKETS’
MOTION TO INTERVENE**

Pursuant to 16 TEXAS ADMINISTRATIVE CODE (“TAC”) §§ 22.102, 22.103(b) and 22.104, the Alliance for Retail Markets (“ARM”) files this Motion to Intervene in the above-referenced proceeding. ARM is an association of retail electric providers (“REPs”), and each member is certificated to provide electric service to retail customers in areas in which customer choice is in effect.¹

On October 8, 2021, AEP Texas Inc. (“AEP Texas”), CenterPoint Energy Houston Electric, LLC (“CenterPoint”), and Texas-New Mexico Power Company (“TNMP”) (collectively, “Joint TDUs”) filed a petition to the Public Utility Commission of Texas (“Commission”) for authorization to design and operate interim load management programs and to each record a regulatory asset for any costs associated with the development and operation of such programs.

I. AUTHORIZED REPRESENTATIVE

ARM’s authorized legal representatives in this proceeding are:

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¹ The individual members that comprise ARM in this proceeding are Constellation NewEnergy, Inc.; the NRG Retail Companies (Reliant, Green Mountain Energy Company, U.S. Retailers LLC (Cirro Energy and Discount Power), StreamSPE, Ltd., XOOM Energy Texas, LLC, and the Direct Energy family of retail electric providers); and Vistra Corp. (4Change Energy, Ambit Energy, Express Energy, TriEagle Energy, TXU Energy, and Veteran Energy).

All pleadings, orders, and other documents should be served on ARM's authorized legal representatives.

II. MOTION TO INTERVENE AND REQUEST FOR GOOD CAUSE EXCEPTION

ARM possesses a justiciable interest in this proceeding that may be adversely affected by the outcome of this docket. Under 16 TAC § 22.103(b), a person has standing to intervene if that person has a right to participate that is expressly conferred by law or if that person has "a justiciable interest which may be adversely affected by the outcome of the proceeding."² ARM's member companies provide retail electric service in the Joint TDUs' service areas and therefore may be adversely affected by the outcome of this docket. Accordingly, ARM has standing to intervene and respectfully requests that the Commission grant its motion.

On October 20, 2021, Order No. 2 was issued which established a procedural schedule that included an intervention deadline 14 days after notice is provided.³ The Commission's procedural rules prescribe a default intervention deadline of 45 days from the date that an application is filed with the Commission,⁴ although for proceedings in which expedited treatment is requested the Commission has previously granted requests for a 30 day intervention period.⁵ Here, Order No. 2 found the Joint TDUs' application deficient because it did not provide sufficient details regarding the interim load management programs for which approval is being requested.⁶ The Joint TDUs filed information describing their proposed programs only on November 1, 2021⁷ and accordingly

² See 16 TEX. ADMIN. CODE §§ 22.103(b)(1) and (2) ("TAC").

³ Order No. 2: Finding Petition Deficient, Requiring Additional Notice, and Adopting Procedural Schedule at 1 (Oct. 20, 2021).

⁴ See 16 TAC § 22.104(b) ("Motions to intervene shall be filed within 45 days from the date an application is filed with the commission, unless otherwise provided by statute, commission rule, or order of the presiding officer.").

⁵ See, e.g., *Application of Rio Bravo Wind Holdings, LLC Under § 39.158 of the Public Utility Regulatory Act*, Docket No. 49250, Order No. 2 Finding Application Sufficient, Requiring Proof of Notice, and Establishing a Procedural Schedule at 1 (Mar. 5, 2019) (granting applicants' request to expedite the 45 day intervention period to 30 days from the application's filing).

⁶ Order No. 2 at 1.

⁷ Additional Information on the Joint TDUs' Interim Load Management Programs in Response to Order No. 2 (Nov. 1, 2021).

ARM has only recently had sufficient information to determine whether its interests necessitate intervention. Therefore, to the extent necessary, ARM respectfully requests a good cause exception to the intervention deadline established by Order No. 2 and requests that its motion to intervene in this proceeding be granted. No parties' interests should be adversely impacted by the granting of this request because no interventions have yet been granted.

III. SETTLEMENT AGREEMENT CONCERNS

On November 9, 2021, a proposed settlement agreement was filed in this proceeding. ARM is concerned that the proposed agreement does not appear to contemplate the TDUs informing the REP when the TDU has enrolled a REP's customers in the TDU's load reduction program, which could cause unexpected variances in the REP's projected and procured load, resulting in adverse financial outcomes for the REP. Additionally, although AEP Texas' and TNMP's proposed programs each include a budget cap, ARM is concerned that CenterPoint's proposed program does not include a budget cap. ARM raises these concerns here in order to expedite their consideration.

IV. CONCLUSION

For the reasons stated in this motion, ARM has a justiciable interest in this proceeding that may be adversely affected by the outcome of this docket. Accordingly, ARM respectfully requests that the Commission grant this Motion to Intervene, including a good cause exception to the deadline to the extent necessary, and permit ARM to participate in this proceeding as a party.

Dated: November 10, 2021

Respectfully submitted,



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ATTORNEYS FOR ALLIANCE FOR RETAIL MARKETS

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CERTIFICATE OF SERVICE

I, Matthew Arth, attorney for ARM, certify that a copy of this document was served on all parties of record on November 10, 2021 by electronic mail.



Matthew A. Arth