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DOCKET NO. 53267

APPLICATION OF AEP TEXAS INC.	§	
FOR APPROVAL OF A WHOLESALE	§	
DISTRIBUTION SERVICE	§	PUBLIC UTILITY COMMISSION
DISTRIBUTED GENERATION ENERGY	§	
STORAGE TARIFF	§	OF TEXAS

**HUNT ENERGY NETWORK, L.L.C
MOTION TO ABATE PROCEEDING
OR IN THE ALTERNATIVE, REQUEST FOR A HEARING**

Hunt Energy Network, L.L.C. ("HEN") files this Motion to Abate, or in the alternative, if the Administrative Law Judge ("ALJ") decides not to grant the Motion to Abate, then HEN hereby requests a hearing in this proceeding. Order No. 5 established April 25, 2022 as the deadline for intervenors to file comments or request a hearing, therefore this request is timely filed.

MOTION TO ABATE PROCEEDING

In its Open Meeting on March 31, 2022, the Commission voted to open a new project to consider issues relating to the interconnection and treatment of battery storage, in accordance with the points set forth in a Memorandum filed by Commissioner Glotfelty.¹ In his Memorandum, Commissioner Glotfelty noted that there is no standardization across utilities related to the costs, timing, and terms and conditions for interconnection of battery storage. He stated that "rather than address these issues in a piecemeal fashion through contested cases which increase the potential for contradictory policies, I believe we are better served by addressing these important policies up front in a forum in which all market participants can participate."² He then stated that

"at a minimum, we must clarify the timeline appropriate for the distribution interconnection process, treatment of interconnection costs for energy storage interconnected at distribution voltage, the terms and conditions of interconnection agreement, ***and whether energy storage should be subject to the utilities' wholesale distribution service tariffs.***" (Emphasis added.)³

¹ *Revision of Wholesale Electric Market Design*, Project No. 52373, Memorandum filed by Commissioner Glotfelty on April 30, 2022; March 31, 2022 Open Meeting Agenda Item 25.

² *Id.* at 1.

³ *Id.* at 1-2.

A fundamental issue in this Docket No. 53267 is whether it is appropriate for AEP Texas Inc. (“AEP”) to impose a wholesale distribution service charge on energy storage systems interconnecting at distribution voltage. Given that the Commission has directed the Commission Staff to initiate a new policy proceeding to address this precise issue prior to the Commission determining the issue on a case-by-case basis, HEN requests that this proceeding be abated until the Commission adopts rules or issues other policy guidance resulting from the new policy proceeding.

Abating this proceeding is consistent with Commissioner Glotfelty’s Memorandum and the decision of the Commissioners to initiate the new policy proceeding. Further, it is an efficient, cost-effective way to proceed. Otherwise, the Parties may spend significant time and resources litigating this case, only to be required to return for a subsequent proceeding if the rules ultimately adopted by the Commission are contrary to the decisions that would have been made in this case. Further, the ALJ’s determination regarding interim rates set forth in Order No. 5 will permit AEP to surcharge customers back to May 24, 2022, so AEP would not be adversely impacted by a decision to abate this proceeding.

For these reasons, HEN requests that this proceeding be abated until the Commission adopts rules or issues other policy guidance regarding the treatment of energy storage interconnected at distribution voltage.

IN THE ALTERNATIVE, REQUEST FOR HEARING

If the ALJ decides not to abate this proceeding, then HEN respectfully would request a hearing in this proceeding to address the issues of whether it is appropriate for energy storage, which is defined by PURA as a generation resource⁴, to pay wholesale distribution charges and if so, how those charges should be defined and calculated consistent with cost causation. As recognized by the Commission, these are important policy issues that impact the future development of energy storage in ERCOT and they are deserving of full development and consideration in a hearing.

⁴ Public Utility Regulatory Act (“PURA”) § 35.152 codified at Tex. Util. Code Ann. §§11.001 – 66.016 (West 2007 & Supp. 2021).

Respectfully Submitted,

/s/ Stephanie Kroger

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CERTIFICATE OF SERVICE

I certify that a copy of this document is being served on all parties on April 25, 2022 in this proceeding via email in accordance with the requirements in Order No. 2.

/s/ Stephanie Kroger

Stephanie Kroger