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DOCKET NO. 53267

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

AEP TEXAS' REQUEST FOR REFERRAL TO SOAH

AEP Texas Inc. (AEP Texas) respectfully files this Request for Referral to SOAH.

This Case Should Be Referred to SOAH

The agreed abatement in this case will expire on July 13, 2022 in accordance with Order No. 7. At the May 12, 2022 open meeting, the Commissioners discussed abatement of this and other wholesale distribution service (WDS) energy storage tariff cases and concluded that those cases should not be abated during the pendency of a related project concerning distribution level energy storage facilities.¹ Although the ALJ granted the 60-day abatement in this proceeding based on the agreement of the parties, the Commissioners' discussion was clear that these WDS energy storage cases should move forward and not be abated indefinitely.

Under the procedural schedule adopted for this case in Order No. 5, intervenors had until April 25, 2022 to request a hearing on the merits. Consistent with that schedule, on April 25 Broad Reach Power LLC filed a request that this docket be referred to SOAH for a hearing on the merits. In its April 25 request for abatement that resulted in the agreed 60-day abatement, Hunt Energy Network, L.L.C. requested a hearing in the alternative to its requested abatement. Because the 60-day abatement will expire on July 13 and the Commissioners determined that further abatement is inappropriate, AEP Texas respectfully requests that this case be referred to SOAH for establishment of a procedural schedule for a hearing on the merits.

AEP Texas has shared this document with the parties and Commission Staff and Broadreach have indicated they are unopposed. AEP Texas has not heard back from the other parties.

¹ The Commissioners' discussion of this issue may be viewed at https://texasadmin.com/tx/puct/open_meeting/20220512. (click on Agenda Video Clip Item 22).

Respectfully submitted,

/s/ Kerry McGrath

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ATTORNEYS FOR AEP TEXAS INC.

Certificate of Service

I hereby certify that on this 12th day of July, 2022, a true and correct copy of the foregoing document was transmitted to the parties of record in accordance with the Second Order Suspending Rules issued in Project No. 50664.

/s/ Kerry McGrath