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PUC DOCKET NO. 53267

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

AEP TEXAS INC.’S PROPOSED LIST OF ISSUES

AEP Texas Inc. (“AEP Texas”) timely files this proposed list of issues to be addressed in this proceeding in accordance with the Public Utility Commission of Texas’s (“Commission”) Order Requesting Lists of Issues¹ filed on July 13, 2022. The issues relate to AEP Texas’s application for a new Wholesale Distribution Service Distributed Generation (“WDS DG”) Energy Storage Tariff to establish rates and other terms and conditions for distributed generation energy storage facilities that take wholesale service at distribution voltage from the company.

I. List of Issues to be Addressed

1. Did AEP Texas provide notice of the application in accordance with 16 Tex. Admin. Code (“TAC”) § 22.55?
2. Has AEP Texas received a valid interconnection request to provide wholesale transmission service at distribution voltage to a wholesale customer? See 16 TAC § 25.191(d)(2)(C).
3. Does AEP Texas provide wholesale transmission service at distribution voltage to itself? If so,
 - a. Please explain the details and circumstances of that service.
 - b. Does AEP Texas’s proposed tariff provide wholesale transmission service at rates and terms, including terms of access, that are comparable to the rates and terms of AEP Texas’s use of its system? See PURA² § 35.004(a); 16 TAC § 25.191(d)(2).
4. Does AEP Texas’s proposed tariff provide for nondiscriminatory access to wholesale transmission service at distribution voltage for qualifying facilities, exempt wholesale

¹ Order Requesting Lists of Issues at 1 (July 13, 2022).

² Public Utility Regulatory Act. Tex. Util. Code §§ 11.001—66.016 (“PURA”).

generators, power marketers, power generation companies, retail electric providers, and other electric utilities or transmission and distribution utilities? See PURA § 35.004(b).

5. Under the proposed tariff, will AEP Texas recover its reasonable costs in providing wholesale transmission service at distribution voltage necessary for the transaction from the entity for which wheeling service is provided so that no other customer of AEP Texas bear the costs of the service? See PURA § 35.004(c).
6. Are the rates in AEP Texas's proposed tariff appropriate?

II. Issues Not to be Addressed and Threshold Legal or Policy Issues Requiring Briefing

The following issue should be identified as an issue not to be addressed in this case:

1. The appropriateness of imposing a wholesale distribution service charge on an energy storage facility connected at distribution voltage.

The Commission has previously addressed this issue in its order in Project No. 39917 and in its preliminary order in Docket No. 51409. In Project No. 39917, the Commission stated that “[w]holesale storage load would be subject to any applicable tariffs or charges if it connects and receives service at the distribution level.”³ The Commission recently reconfirmed this decision in the Docket No. 51409 preliminary order, after briefing by several of the intervenors in this case. In that order, the Commission determined that “a transmission or distribution service provider is allowed to charge an entity engaging in wholesale storage for wholesale transmission service at distribution voltage.”⁴ The Commission further stated that “in certain circumstances, a transmission or distribution service provider is required to do so.”⁵ The Commission reasoned that “[t]he prohibition in 16 TAC § 25.192 against a wholesale transmission service tariff applying to an entity engaging in wholesale storage is irrelevant to this docket involving wholesale transmission service at distribution voltage under 16 TAC § 25.191.”⁶

AEP Texas has not identified any threshold legal or policy issues requiring briefing for

³ *Rulemaking on Energy Storage Issues*, Project No. 39917, Order Adopting Amendments to § 25.192 and § 25.501 as Approved at the March 7, 2012 Open Meeting at 34 (Mar. 30, 2012).

⁴ *Application of the City of San Antonio, Acting By and Through the City Public Service Board, to Amend its Wholesale Transmission Customer Primary Distribution Voltage Service Tariff*, Docket No. 51409, Preliminary Order at 2 (June 14, 2021).

⁵ *Id.*

⁶ *Id.* at 4.

purposes of inclusion in the preliminary order.

III. Conclusion

AEP Texas respectfully requests that the Commission issue a preliminary order in this docket consistent with this filing, and further requests any other relief to which it has shown itself entitled.

Dated: July 27, 2022

Respectfully submitted,

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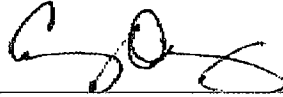


By: Carey Olney

ATTORNEYS FOR AEP TEXAS INC.

CERTIFICATE OF SERVICE

I certify that a true and correct copy of this document was served on all parties of record on this date via email in accordance with the Commission's order in Docket No. 50664 suspending 16 TAC § 22.74.

A handwritten signature in black ink, appearing to read 'CO', is written above a horizontal line.

Carey Olney