



## Filing Receipt

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**SOAH DOCKET NO. 473-22-2603**  
**PUC DOCKET NO. 53517**

<b>APPLICATION OF ENTERGY</b>	<b>§</b>	<b>BEFORE THE STATE OFFICE</b>
<b>TEXAS, INC. TO ADJUST ITS</b>	<b>§</b>	
<b>ENERGY EFFICIENCY COST</b>	<b>§</b>	<b>OF</b>
<b>RECOVERY FACTOR</b>	<b>§</b>	
	<b>§</b>	<b>ADMINISTRATIVE HEARINGS</b>

**COMMISSION STAFF’S RECOMMENDATION ON SUFFICIENCY  
OF THE APPLICATION AND NOTICE**

On May 2, 2022, Entergy Texas, Inc. (ETI) filed an application to revise its Energy Efficiency Cost Recovery Factor (EECRF) for program year 2023 under Public Utility Regulatory Act (PURA) § 39.905 and 16 Texas Administrative Code (TAC) §§ 25.181 and 25.182. ETI requests approval to recover a total of \$12,466,315<sup>1</sup> through its Rider EECRF in 2023.

On May 9, 2022, the State Office of Administrative Hearings (SOAH) administrative law judge (ALJ) filed SOAH Order No. 1, which required the Staff of the Public Utility Commission of Texas (Staff) to file comments on the sufficiency of ETI’s application and notice no later than 10 days after ETI filed its proof of notice. ETI filed its proof of notice on May 10, 2022. Therefore, this pleading is timely filed.

**I. SUFFICIENCY OF THE APPLICATION**

Staff has reviewed ETI’s application and finds that the application provides the information required under 16 TAC § 25.182(d) and generally complies with the requirements of 16 TAC § 25.182(d). Under 16 TAC § 25.182(d)(8), a utility in an area in which customer choice is not offered must file the application to adjust its EECRF by no later than May 1 of each year. Under 16 TAC § 25.182(d)(10), an EECRF application must include testimony and schedules in Excel format with intact formulas for each retail rate class for both the prior program year and the proposed program year. The application, including testimonies and schedules, must address

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<sup>1</sup> The requested \$12,466,315 consists of the following: (1) estimated 2023 energy efficiency program costs of the ETI’s forecasted energy efficiency program budget amount of \$7,930,830; (2) a performance bonus of \$4,598,049 for 2021 program achievements; (3) evaluation, measurement, and verification costs of \$93,437 to be collected in 2023; (4) a \$240,672 refund for the over-recovery of 2021 program costs, including \$1,454 in interest; and (5) \$16,988 for Cities’ rate case expenses and \$67,682 for ETI’s rate case expenses in Docket No. 52067, ETI’s 2021 EECRF Application.

thirteen metrics identified under 16 TAC § 25.182(d)(10). Furthermore, under 16 TAC § 25.182(d)(11), the application must address ten factors, as applicable, to support the recovery of energy efficiency costs.

Staff recommends that ETI's application be deemed sufficient. ETI filed the testimony of two witnesses in support of the application. In addition, ETI provided Excel spreadsheets with formulas separated by retail rate class for 2021 and 2023. Staff's review indicates that ETI addressed, or at least attempted to address, all of the metrics and factors listed under 16 TAC § 25.182(d)(10) and (11). Staff reserves the right to later assert certain thresholds required by the aforementioned provisions. Staff may also require ETI to supplement its application following discovery.

## II. SUFFICIENCY OF NOTICE

Staff has reviewed ETI's proof of notice and finds that the notice satisfies the requirements of 16 TAC § 25.182(d)(13) and (14). ETI's proposed form of notice consisted of a copy of the application; Staff recommends that such notice satisfies 16 TAC § 25.182(d)(13), which describes reasonable notice as "a general description of the application and the docket number assigned to the application."

ETI filed proof of notice on May 10, 2021, within 14 days of the date the application was filed as required by 16 TAC § 25.182(d)(14). The proof of notice included the affidavit of Rebecca Torres, attesting to ETI's provision of notice by electronic mail to each of the parties participating in ETI's most recent EECRF proceeding,<sup>2</sup> all parties in ETI's most recently completed base-rate case,<sup>3</sup> and the Texas Department of Housing and Community Affairs, which is the state agency that administers the federal weatherization program.

## III. CONCLUSION

Staff respectfully requests that an order be issued finding ETI's application administratively complete and the notice sufficient.

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<sup>2</sup> *Application of Entergy Texas, Inc. to Adjust its Energy Efficiency Cost Recovery Factor and Establish Revised Cost Caps*, Docket No. 52067, Order ( Dec. 16, 2021).

<sup>3</sup> *Entergy Texas, Inc.'s Statement of Intent and Application for Authority to Change Rates*, Docket No. 48371, Order (Dec. 20, 2018).

Dated: May 20, 2022

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 via electronic mail on May 20, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Merritt Lander  
Merritt Lander