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

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

**JOINT MOTION TO FIND APPLICATION AND NOTICE SUFFICIENT, ADMIT EVIDENCE,**  
**AND REMAND PROCEEDING**

On behalf of Entergy Texas, Inc. (“ETI”), the Cities,<sup>1</sup> and Commission Staff (“Staff”) of the Public Utility Commission of Texas (“Commission”) (collectively, the “Parties”), ETI files this Joint Motion to Find ETI’s Application and Notice Sufficient, Admit Evidence, and Remand Proceeding. Texas Industrial Energy Consumers (“TIEC”) does not oppose this motion. The Parties would respectfully show as follows.

**I.       MOTION TO FIND APPLICATION AND NOTICE SUFFICIENT**

In State Office of Administrative Hearings (“SOAH”) Order No. 1, the Administrative Law Judge (“ALJ”) required Staff to file comments on the sufficiency of ETI’s application and proposed notice not later than 10 days after ETI filed its proof of notice. ETI filed its proof of notice on May 10, 2022. Commission Staff timely filed comments recommending that ETI’s application and notice be found sufficient on May 20, 2022. The Parties request that ETI’s application and notice be found sufficient.

**II.       MOTION TO ADMIT EVIDENCE**

The Parties request that the following evidence be admitted:

- (a) ETI’s Application including all attachments; the direct testimony, exhibits, and workpapers of Mark R. Delavan and Jay Andrew Lewis, Jr.; and the affidavits and attachments of Erika N. Garcia and Molly Mayhall Vandervoort (Interchange Item Nos. 20 and 21);

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<sup>1</sup> The Cities of Anahuac, Beaumont, Bridge City, Cleveland, Dayton, Groves, Houston, Huntsville, Liberty, Montgomery, Navasota, Nederland, Oak Ridge North, Orange, Pine Forest, Pinehurst, Port Arthur, Port Neches, Roman Forest, Rose City, Shenandoah, Silsbee, Sour Lake, Splendora, Vidor, West Orange, and Willis (“Cities”).

- (b) ETI's Proof of Notice filed on May 10, 2022 (Interchange Item No. 7); and
- (c) Commission Staff's final recommendation, including all attached memoranda filed on August 19, 2022 (Interchange Item No. 37).

### **III. MOTION TO REMAND**

There are no disputed issues and no hearing is required in this proceeding. Therefore, after consideration by the ALJ of the motions contained herein, the Parties request this docket be remanded to the Commission in order to allow the Commission to consider the joint proposed order filed concurrently with this Motion.

### **IV. CONCLUSION**

The Parties respectfully request that the ALJ issue an order:

- (1) finding ETI's application and notice sufficient;
- (2) admitting the filings identified above as evidence;
- (3) remanding this proceeding to the Commission; and
- (5) granting any further relief to which the parties to this proceeding may be entitled.

Dated: September 6, 2022

Respectfully submitted,

*Laura B. Kennedy*

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ATTORNEYS FOR ENTERGY TEXAS, INC.

**CERTIFICATE OF SERVICE**

I hereby certify, by my signature below, that a true and correct copy of the foregoing was served on all parties of record in this proceeding by electronic mail on September 6, 2022.

By: *Laura B. Kennedy*  
Laura Bradshaw Kennedy