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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	§	
EFFICIENCY COST RECOVERY	§	OF
FACTOR	§	
	§	ADMINISTRATIVE HEARINGS

SOAH ORDER NO. 1
FILING DESCRIPTION; JURISDICTION; NOTICE AND SUFFICIENCY OF THE
APPLICATION; SCHEDULING PREHEARING CONFERENCE; DISCUSSING
PROCEDURES; AND APPROVING PROTECTIVE ORDER

I. FILING DESCRIPTION

On May 2, 2022, Entergy Texas, Inc. (ETI) filed an application with the Public Utility Commission of Texas (Commission) to adjust its energy efficiency cost recovery factor (EECRF). ETI seeks to adjust its EECRF for 2023 to recover \$12,466,315, reflecting the following amounts:

- (1) \$7,930,830 in estimated 2023 costs for ETI's energy-efficiency program;
- (2) \$4,598,049 for a performance bonus based on 2021 program achievements;
- (3) \$93,437 in projected evaluation, measurement, and verification costs;
- (4) \$240,672 to be refunded to customers for over-recovery of 2021 program costs, including \$1,454 in interest; and
- (5) \$16,988 for municipalities' rate-case expenses and \$67,682 for ETI's rate-case expenses in Docket No. 52067,¹ ETI's 2021 EECRF proceeding.

ETI requests that the Commission approve the adjusted EECRF to be effective January 1, 2023.

¹ *Application of Entergy Texas, Inc. to Adjust Its Energy Efficiency Cost Recovery Factor and Request to Establish Revised Cost Caps*, Docket No. 52067 (Dec. 16, 2021).

II. JURISDICTION

The Commission has jurisdiction pursuant to Public Utility Regulatory Act² § 39.905 and 16 Texas Administrative Code (TAC) §§ 25.181 and .182. The Commission referred this case to the State Office of Administrative Hearings (SOAH) on May 4, 2022, requesting the assignment of an Administrative Law Judge (ALJ) to conduct a hearing and issue a proposal for decision, if necessary. The Order of Referral included the Commission's Preliminary Order, listing issues to be addressed in this proceeding. SOAH has jurisdiction over matters relating to the conduct of the hearing in this proceeding pursuant to Texas Government Code § 2003.049.

III. NOTICE AND SUFFICIENCY OF APPLICATION

ETI has not yet filed its proof of notice. **No later than 10 days after ETI files its proof of notice**, Commission Staff shall, and any other party may, file comments on the sufficiency of ETI's application and proposed notice.

IV. PREHEARING CONFERENCE

It is **ORDERED** that the ALJ will convene a **prehearing conference at 9:00 a.m. on June 6, 2022 via Zoom videoconference**. The ALJ will make an audio recording of the hearing, which will be the official record of the proceeding, unless the parties provide a court reporter. You may access the prehearing by going to <https://soah-texas.zoomgov.com/> or the Zoom application on your mobile device, selecting "Join a Meeting," and entering the following information when prompted:

Meeting ID: 160 758 4337
Passcode: TPh3ri

² Public Utility Regulatory Act, Tex. Util. Code §§ 11.001-66.016.

If you do not have access to a device that would allow videoconferencing capabilities, you may join by telephone by calling either number below and entering the following Meeting ID and passcode. Note that the passcode to join by telephone is different than the passcode to join via a computer or smart device.

(669) 254-5252
(646) 828-7666

Meeting ID: 160 758 4337
Passcode: 404129

The following matters will be discussed at the prehearing conference:

1. Any motion filed **by 3:00 p.m. on June 2, 2022.**³
2. A procedural schedule that complies with 1 TAC § 25.182(d)(9), including a date for the hearing that will enable the Commission to make a final decision before the EECRF effective date. To assist the parties in making this determination, the parties should calculate a hearing date in the following manner:
 - a. Find the open meeting date immediately prior to the effective date.
 - b. Assume PFD issuance at least 21 days prior to the date in a. above.
 - c. Subtract 60 days from the date in b. above, which is the day that reply briefs would be due.
 - d. Determine appropriate briefing deadlines that allow reply briefs to be filed on the date calculated in c. above.
 - e. Depending on transcript turnaround time, calculate the last hearing day that would allow a briefing deadline calculated in d. above.
 - f. Determine the number of days needed for hearing and determine which day would be the first day of hearing. The parties may contact the ALJ's paralegal, Virginia Gonzales at Virginia.Gonzales@soah.texas.gov to inquire about dates that work with the ALJ's schedule.
3. Any other matters that may assist in the disposition of this case in a fair and efficient manner.

³ The parties may file by this deadline a joint motion to cancel the prehearing conference if they include an agreed procedural schedule that complies with this order.

V. FILING AND SERVICE PROCEDURES

The parties should be aware that, in response to COVID-19, the Commission has issued an order suspending certain rules and requiring email service and online filings.⁴ The Commission's order is available at: http://interchange.puc.texas.gov/Documents/50664_205_1075813.PDF. The parties should review the Commission's website for the latest information on how COVID-19 is impacting the Commission's procedural requirements.

Except as modified by the Commission or SOAH in response to COVID-19, the Commission's procedural rules will govern the conduct of this case, and the parties are expected to comply with those rules. The Commission's procedural rules are available on its website at: <https://www.puc.texas.gov/agency/rulesnlaws/procrules/Procedural.aspx>.

A. Filing Documents

All pleadings shall be filed with the Commission's filing clerk, not with the SOAH filing clerk. The Commission's filing clerk will forward a copy of the pleadings to SOAH. Due to COVID-19, the Commission is only accepting filings made online through the Commission's Interchange e-file system at <https://interchange.puc.texas.gov/filer>. When making online filings for this case, use both the Commission's "control number" 53517 and SOAH's docket number of 473-22-2603. **All filings must contain both the SOAH and Commission docket numbers.**

B. Email Service

When a party files a document with the Commission, that party is also required to serve (i.e., provide a copy of that document to) every other party. **At this time, due to COVID-19, service must be accomplished by e-mail.** Any party to this proceeding who has not previously

⁴ See *Issues Related to the State of Disaster for the Coronavirus Disease 2019*, Docket No. 50664, Item No. 205, Second Order Suspending Rules (Jul. 16, 2020).

provided an e-mail address **SHALL, no later than seven days after the date of this order**, file a notice informing the parties of the e-mail address to be used for service.

SOAH's orders must also be provided to, or served on, the parties. Parties will be served with SOAH's orders electronically at the e-mail address they provide.

Only one address per party will be included on the official service list maintained by SOAH, pursuant to 16 TAC § 22.74(b). Corrections to the service list should be sent to the ALJ's assistant, Virginia Gonzales, at Virginia.Gonzales@soah.texas.gov, in an email that is **copied to all parties**. SOAH support personnel may not provide advice or interpret orders or regulations for the parties.

C. Motions and Responses to Motions and Other Pleadings

Unless otherwise specified, responses to any motion or other pleading shall be filed within **five working days** from receipt of the pleading to which the response is made. Such responsive pleadings shall state the date of receipt of the pleading to which a response is made. Failure to file a timely response will be considered acquiescence to the relief requested.

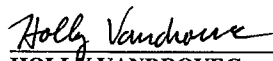
D. Discovery

Discovery may begin immediately pursuant to Subchapter H of the Commission's procedural rules.

VI. PROTECTIVE ORDER

ETI requested approval of the Commission's standard protective order. That request is **APPROVED**, subject to ETI filing a copy of that order **within one working day** after receiving this order.

SIGNED May 9, 2022.



HOLLY VANDROVEC
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS