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PROJECT NO. 53679

APPLICATION OF AEP TEXAS INC. TO	§	PUBLIC UTILITY COMMISSION
ADJUST ITS ENERGY EFFICIENCY	§	
COST RECOVERY FACTOR AND	§	OF TEXAS
RELATED RELIEF	§	

COMMISSION STAFF’S RECOMMENDATION

On June 1, 2022, AEP Texas, Inc. (AEP Texas) filed an application to adjust its energy efficiency cost recovery factor (EECRF) under PURA § 39.905 and 16 Texas Administrative Code (TAC) § 25.181-.182. On June 3, 2022, the Public Utility Commission of Texas (Commission) issued an Order of Referral, referring this matter to the State Office of Administrative Hearings (SOAH).

On June 16, 2022, the SOAH administrative law judge (ALJ) filed SOAH Order No. 1, directing the Staff (Staff) of the Commission to file comments on the sufficiency of the application and proposed notice by June 17, 2022. Therefore, this pleading is timely filed.

I. SUFFICIENCY OF THE APPLICATION

Staff has reviewed AEP Texas’ application and finds that the application provides the information required under 16 TAC § 25.182(d). Specifically, pursuant to 16 TAC § 25.182(d)(8), a utility in an area in which customer choice is offered must file the application to adjust its EECRF by no later than June 1 of each year. Additionally, under 16 TAC § 25.182(d)(10), an EECRF application must include testimony, as well as schedules in Excel format with intact formulas for each retail rate class for the prior program year and the proposed program year. The application, including testimonies and schedules, must address thirteen metrics identified in 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 AEP Texas’ application be deemed sufficient. AEP Texas filed its EECRF application on June 1, 2022. The application includes testimony of three subject-matter experts to support its application. In addition, AEP Texas provided Excel spreadsheets with formula separated by retail rate class for 2021 and 2023. Staff’s review indicates that AEP Texas provided, addressed, or at least attempted to address most of the metrics and factors listed in 16 TAC § 25.182(d)(10) – (11).

Staff reserves the right to later assert certain thresholds required by the aforementioned provisions and to require AEP Texas to supplement the application. Staff may also require AEP Texas to supplement its application following discovery.

II. COMMENTS REGARDING SUFFICIENCY OF NOTICE

Staff reviewed the proof of notice filed by AEP Texas and finds that the notice satisfies the requirements under 16 TAC § 25.182(d)(13)-(14). On June 10, 2022, AEP Texas filed its Affidavit Attesting to the Provision of Notice within fourteen days of filing the application, as required by 16 TAC § 25.182(d)(14). The affidavit attests that AEP Texas completed its notice via email on June 1, 2022, which is within a day of the application filing date, as required under 16 TAC § 25.182(d)(13).

Additionally, in accordance with 16 TAC § 25.182(d)(13), the affidavit attests that AEP Texas provided direct notice to: (1) all parties of record in AEP Texas' most recently completed EECRF docket (PUC Docket No. 52199¹); (2) all retail electric providers (REPs) that were authorized by the registration agent to provide service in AEP Texas service area at the time AEP Texas' EECRF application was filed; (3) all parties of record in AEP Texas' most recently completed base rate case (PUC Docket No. 49494²); and (4) the state agency that administers the federal weatherization program, the Texas Department of Housing and Community Affairs.

III. CONCLUSION

Staff respectfully requests that an order be issued fining AEP Texas' application and proof of notice sufficient.

¹ *Application of AEP Texas, Inc. to Adjust its Energy Efficiency Cost Recovery Factor and Related Relief*, Docket No. 52199 (Nov. 2, 2021).

² *Application of AEP Texas Inc. for Authority to Change Rates*, Docket No. 49494 (Apr. 6, 2020).

Dated: June 17, 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 June 17, 2022, in accordance with the Order Suspending Rules, filed in Project No. 50664.

/s/ John Harrison

John Harrison