



## Filing Receipt

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**SOAH DOCKET NO. 473-22-04394  
PUC DOCKET NO. 53719**

<b>ENTERGY TEXAS, INC.’S STATEMENT OF INTENT AND APPLICATION FOR AUTHORITY TO CHANGE RATES</b>	§ § § § §	<b>BEFORE THE STATE OFFICE  OF  ADMINISTRATIVE HEARINGS</b>
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**ENTERGY TEXAS, INC.’S FIFTH PETITION FOR REVIEW OF  
MUNICIPAL ORDINANCES AND MOTION TO CONSOLIDATE**

Pursuant to PURA<sup>1</sup> § 33.051, Entergy Texas, Inc. (“ETI” or the “Company”) hereby submits this Fifth Petition for Review of Municipal Ordinances, appealing the decisions adopted by the cities listed in Exhibit A to deny ETI’s Statement of Intent and Application for Authority to Change Rates. ETI also moves to consolidate this appeal with the above-captioned proceeding. This Petition is timely because it is filed within 30 days of each City’s final decision.<sup>2</sup> In support of this Petition and Motion, ETI shows the following:

**I. JURISDICTION**

The Public Utility Commission of Texas (“Commission”) has jurisdiction over this Petition and Motion pursuant to PURA §§ 32.001, 33.051, 33.053, 33.054, and 36.001.

**II. REQUEST FOR REVIEW AND CONSOLIDATION**

On July 1, 2022, ETI filed with the Commission a Statement of Intent and Application to change its electric utility rates (“Application”). ETI concurrently filed the Application with the cities in ETI’s service territory that had retained original jurisdiction over ETI’s rates within their municipal boundaries. In the ordinances identified in Exhibit A and attached to this Petition as Exhibit B, the Cities declined to approve ETI’s requested rate changes.

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<sup>1</sup> Public Utility Regulatory Act, Tex. Util. Code §§ 11.001-66.016 (“PURA”).

<sup>2</sup> PURA § 33.053(b).

ETI therefore requests that the Commission exercise its appellate jurisdiction to conduct a *de novo* review of the listed actions denying ETI's Application, consolidate this appeal with Docket No. 53719, and establish the final rates that the cities would have set by approving ETI's Application. This appeal involves issues of law and fact common to those involved in Docket No. 53719. Further, separate hearings on this appeal and Docket No. 53719 would result in unwarranted expense, delay, and substantial injustice.<sup>3</sup>

### **III. CONCLUSION**

For the foregoing reasons, ETI respectfully requests that the Commission grant this Petition for review of the municipal actions set forth in Exhibit B, Motion to Consolidate, and the relief requested in ETI's Application.

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<sup>3</sup> See 16 Tex. Admin. Code § 22.34(a).

Dated: September 12, 2022

Respectfully submitted,



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Kristen Yates  
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ATTORNEYS FOR ENTERGY TEXAS, INC

### **CERTIFICATE OF SERVICE**

I hereby certify that on the 12th day of September 2022, a true and correct copy of the foregoing document was served on all parties of record in this proceeding.

A handwritten signature in black ink, appearing to read "G. G. Hoyt", written over a horizontal line.

George G. Hoyt

**EXHIBIT A**

**LIST OF CITIES AND DATES OF ORDINANCES**

<b>Date of Municipal Action</b>	<b>City</b>
August 11, 2022	Cut and Shoot
August 16, 2022	Corrigan
August 25, 2022	Bevil Oaks
August 29, 2022	Chester

**EXHIBIT B**  
**CITY ORDINANCES**



ORDINANCE NO. 139

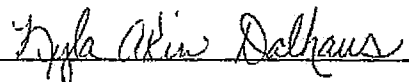
AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF CUT AND SHOOT, TEXAS, (or "City") declining to approve the change in rates requested in Entergy Texas, Inc.'s ("ETI" or "Company") Statement of Intent filed with the City on July 1, 2022, AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS CONSIDERED WAS OPEN TO THE PUBLIC AND IN ACCORDANCE WITH TEXAS LAW.

WHEREAS, ETI filed with the City its Statement of Intent and *Application of Entergy Texas, Inc. for Authority to Change Rates* ("Statement of Intent");

WHEREAS, the City has duly noticed its consideration of the Company's Statement of Intent and is acting within its authority under applicable law;

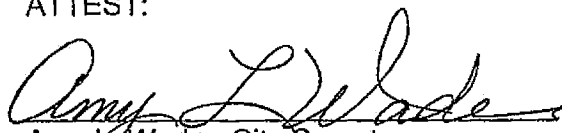
NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CUT AND SHOOT, TEXAS THAT the City DECLINES to approve any and all changes in rates requested by ETI and included in ETI's Statement of Intent and that ETI's proposed new rates should not be made effective.

PASSED AND APPROVED ON THE FIRST READING THIS 11<sup>th</sup> day of AUGUST, 2022.

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Nyla Akin Dalhaus, Mayor

ATTEST:

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Amy L. Wade, City Secretary

**ORDINANCE NO. 20220816**

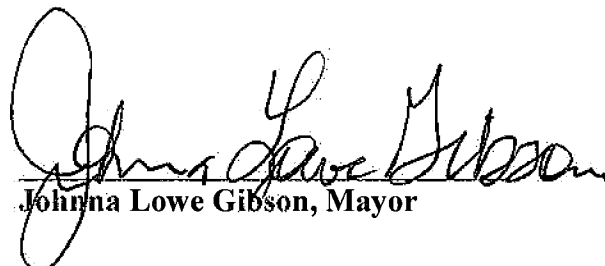
**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF CORRIGAN, TEXAS, declining to approve the change in rates requested in Entergy Texas, Inc.'s Statement of Intent filed with the City on July 1, 2022, AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS CONSIDERED WAS OPEN TO THE PUBLIC AND IN ACCORDANCE WITH TEXAS LAW.**

**WHEREAS**, ETI filed with the City its Statement of Intent and *Application of Entergy Texas, Inc. for Authority to Change Rates* ("Statement of Intent");

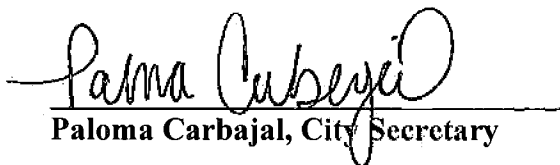
**WHEREAS**, the City has duly noticed its consideration of the Company's Statement of Intent and is acting within its authority under applicable law;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CORRIGAN, TEXAS** THAT the City DECLINES to approve any and all changes in rates requested by ETI and included in ETI's Statement of Intent and that ETI's proposed new rates should not be made effective.

**PASSED AND APPROVED ON THE FIRST READING THIS 16<sup>th</sup> day of AUGUST, 2022.**

  
Johnna Lowe Gibson, Mayor

**ATTEST:**

  
Paloma Carbajal, City Secretary

ORDINANCE NO. 263

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF BEVIL OAKS, TEXAS, (or "City") declining to approve the change in rates requested in Entergy Texas, Inc.'s ("ETI" or "Company") Statement of Intent filed with the City on July 1, 2022 AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS CONSIDERED WAS OPEN TO THE PUBLIC AND IN ACCORDANCE WITH TEXAS LAW.**

**WHEREAS**, ETI filed with the City its Statement of Intent and *Application of Entergy Texas, Inc. for Authority to Change Rates* ("Statement of Intent");

**WHEREAS**, the City has duly noticed its consideration of the Company's Statement of Intent and is acting within its authority under applicable law;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF BEVIL OAKS, TEXAS** THAT the City DECLINES to approve any and all changes in rates requested by ETI and included in ETI's Statement of Intent and that ETI's proposed new rates should not be made effective.

PASSED AND APPROVED ON THE FIRST READING THIS 25 day of August, 2022.

  
Barbara Emmons, Mayor

ATTEST:

  
Doug Mullins, City Secretary

ORDINANCE NO. 422-2022

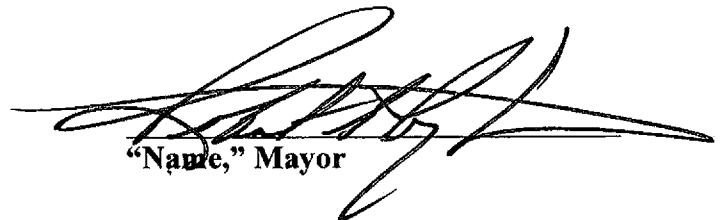
AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF Chester, TEXAS, (or "City") declining to approve the change in rates requested in Entergy Texas, Inc.'s ("ETI" or "Company") Statement of Intent filed with the City on July 1, 2022, AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS CONSIDERED WAS OPEN TO THE PUBLIC AND IN ACCORDANCE WITH TEXAS LAW.

WHEREAS, ETI filed with the City its Statement of Intent and *Application of Entergy Texas, Inc. for Authority to Change Rates* ("Statement of Intent");

WHEREAS, the City has duly noticed its consideration of the Company's Statement of Intent and is acting within its authority under applicable law;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF Chester, TEXAS THAT the City DECLINES to approve any and all changes in rates requested by ETI and included in ETI's Statement of Intent and that ETI's proposed new rates should not be made effective.

Aug, 20 22 PASSED AND APPROVED ON THE FIRST READING THIS 29 day of

  
"Name," Mayor

ATTEST:

Baeela Mahaffey  
"NAME," City Secretary (or "title")