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BEFORE THE
STATE OFFICE OF ADMINISTRATIVE
HEARINGS

APPLICATION OF ENTERGY TEXAS, INC.
FOR AUTHORITY TO CHANGE RATES

SOAH ORDER NO. 5
GRANTING MOTION TO INTERVENE; GRANTING ETI'S FIFTH
MOTION TO CONSOLIDATE; AND CLARIFYING PROCEDURAL ORDER

I. GRANTING CHARGEPOINT, INC.'S MOTION TO INTERVENE

On September 7, 2022, ChargePoint, Inc. (ChargePoint) filed a late motion to intervene (Motion).¹ On September 9, 2022, Entergy Texas, Inc. (ETI) filed an objection to the Motion, arguing that it should be denied on two grounds: (1) it is untimely; and (2) ChargePoint lacks a justiciable interest in the instant proceeding. On September 16, 2022, ChargePoint filed a Reply to ETI, clarifying the reasons for ChargePoint's untimely Motion.

¹ As per SOAH Order No. 2, the intervention deadline was August 15, 2022.

Although ChargePoint filed its Motion after the intervention deadline, the factors enumerated in the Public Utility Commission of Texas's (Commission) substantive rules regarding motions to intervene² weigh in favor of granting the Motion: ChargePoint is not a statutory party or typical intervenor in ETI's rate cases, so it would not have received notice of this proceeding; it would not prejudice or place additional burdens upon the parties that have been granted intervenor status in the proceeding; it is not requesting to move any existing deadlines, so the existing procedural schedule will not be disrupted; and it would be in the public interest, because ChargePoint's participation will aid in developing the record on the issues.

Additionally, in its Motion, ChargePoint stated that it has existing, as well as prospective, customers seeking to install EV charging stations in ETI's service territory.³ Although there is general interest in the Commission's consideration of ETI's Application requests relating to EV charging stations, the ALJs believe ChargePoint may be directly impacted by the outcome of ETI's base rate case.⁴ Accordingly, the motion to intervene is **GRANTED**.

II. APPEALS OF MUNICIPAL DECISIONS

On September 12, 2022, ETI filed its Fifth Petitions for Review of Municipal Ordinances and Motion to Consolidate (Petitions). ETI asserts that the

² See 22 Tex. Admin. Code § 22.104.

³ ChargePoint's Motion for Leave to Intervene Out of Time at 4 (Sep. 7, 2022).

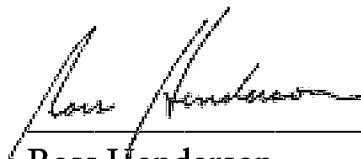
⁴ The ALJs note, but do not opine on the possible implications of *Texas State Bd. of Pharmacy v. Witcher*, 447 S.W.3d 520, 529 (Tex. App.—Austin 2014, pet. denied).

Cities/Towns of Cut and Shoot, Corrigan, Bevil Oaks, and Chester (collectively, Cities) in which it operates denied ETI's requested rate change. ETI appeals the Cities' decisions and requests that the appeals be consolidated with this rate case to promote regulatory efficiency, stating that the appeals involve common questions of law and fact to those in this proceeding. No objections were filed. ETI's Petitions are **GRANTED**, and the appeals of the Cities' denials of the requested rates are **CONSOLIDATED** for review with this docket.

III. CLARIFYING PROCEDURAL ORDER

On September 12, 2022, ETI submitted a request for clarification of the Procedural Order governing this case. Due to a formatting error, an agreed deadline regarding responses to motions to compel on discovery on Intervenor and Staff Direct testimony was set out as an independent bullet point instead of as a bullet point directly under the agreed procedural deadlines governing discovery on Intervenor and Staff direct testimony. The ALJs confirm that the provision should have been a deadline specific to discovery on Intervenor and Staff direct testimony.

SIGNED SEPTEMBER 19, 2022



Ross Henderson,
Presiding Administrative Law Judge



Rachelle Nicolette Robles,
Co-Presiding Administrative Law Judge