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APPLICATION OF ENTERGY	§	BEFORE THE STATE OFFICE
TEXAS, INC. FOR AUTHORITY	§	OF
TO CHANGE RATES	§	ADMINISTRATIVE HEARINGS

AMERICANS FOR AFFORDABLE CLEAN ENERGY’S
LATE-FILED MOTION TO INTERVENE

COMES NOW, Americans for Affordable Clean Energy (AACE) and files this Late-Filed Motion to Intervene pursuant to the Public Utility Commission of Texas (Commission) Rules 16 Tex. Admin. Code (TAC) §§ 22.103 and 22.104 and the State Office of Administrative Hearings (SOAH) Order adopting a procedural schedule.¹ In support of its Motion, AACE respectfully shows as follows:

I. INTERVENING PARTY

AACE is a non-profit organization with membership in Entergy Texas, Inc.’s (ETI) service territory.² AACE’s members are among Texas’ most sophisticated and forward-thinking fuel retailers, all of which are eager to add electric vehicle (EV) charging options to their refueling outlets. AACE’s members include owners and operators of convenience stores, public travel facilities, and truck stops that already provide fuel and other goods, services, and amenities that the traveling public has come to expect alongside their refueling stations throughout Texas and across the United States. AACE’s goal is to work with state policymakers to create a robust marketplace for EV fast charging so that Texas is positioned to meet drivers’ expectations of quality service, safety, and affordable, transparent, and competitive pricing for charging EVs.

II. AUTHORIZED REPRESENTATIVES

AACE’s authorized representatives in this matter are:

Jamie L. Mauldin
Taylor P. Denison
Lloyd Gosselink Rochelle & Townsend, P.C.
816 Congress Avenue, Suite 1900
Austin, Texas 78701

¹ SOAH Order Memorializing Prehearing Conference; Adopting Procedural Schedule; and Setting Hearing on the Merits (Jul. 27, 2022).

² AACE’s controlling members are as follows: Circle K, Love’s, Pilot/Flying J, QuickTrip, RaceTrac, and Travel Centers of America.

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AACE requests that all correspondence, pleadings, briefs, requests for information, responses to requests for information, and other documents in this proceeding be served upon its authorized representatives.

III. STANDING TO INTERVENE

On July 1, 2022, ETI filed an application to change its rates. AACE may be adversely impacted by the relief requested by ETI. Within its application, two EV riders were included—the proposed Transportation Electrification and Charging Infrastructure (TECI) Rider and the Transportation Electrification and Charging Demand Adjustment (TECDA) Rider. AACE has a specific interest in both riders.

As described above, AACE is a non-profit organization with members among Texas' most sophisticated fuel retailers eager to invest in EV charging, including owners and operators of convenience stores, public travel facilities, and truck stops that provide fuel and other goods and services to the traveling public at currently existing locations throughout Texas and across the United States. If the Commission approves ETI's proposed TECI Rider, AACE's members would be adversely impacted by undercutting the development of a competitive EV charging market in Texas. AACE's members could be less inclined to install EV charging at their locations, and approval could undermine the creation of a robust and sustainable EV charging market in Texas.

However, AACE also believes the Commission's approval of ETI's proposed TECDA Rider could give demand charge relief which may be beneficial to AACE's members. If properly applied to all EV charging providers, demand charge alternatives could, additionally, allow for investments in EV chargers by private, unregulated businesses.

As such, AACE seeks intervention to address two related issues raised in the Commission's Preliminary Order dated August 4, 2022:³

68. Is it appropriate for an electric utility in a vertically integrated area to own vehicle-charging facilities or other transportation electrification

³ Preliminary Order at 15 (Aug. 4, 2022).

and charging infrastructure? Or should the ownership of such facilities be left to competitive providers?

69. Should Entergy be allowed to own transportation electrification and charging infrastructure-including vehicle-charging facilities-in the manner it has proposed in its application? Or should such ownership be wholly left to customers or third parties?

Both issues, along with the dispute between private and regulated utilities, will directly affect the members of AACE. It is important for AACE to engage in this proceeding to appropriately protect its members' interests. Therefore, AACE has a justiciable interest in this proceeding and is entitled to participate as an intervenor in the case.

IV. REQUEST FOR LATE-FILED INTERVENTION

AACE's Late-Filed Motion to Intervene is untimely under the procedural schedule set forth by SOAH. However, under 16 TAC § 22.104(d), good cause exists for AACE's late-filed request. 16 TAC § 22.104(d) provides five factors for the Administrative Law Judges (ALJs) to take into consideration when determining whether to allow a party to intervene late. AACE meets each of these factors and therefore requests that its Late-Filed Motion to Intervene be granted.

AACE has good cause for failing to file the motion within the time prescribed. AACE did not receive notice of the filing of ETI's application. AACE is neither a statutory party nor is it a typical intervenor in ETI's cases in Texas. Regardless, decisions in this proceeding will impact AACE's members' businesses and interests for the reasons previously discussed. Because AACE did not receive notice of this proceeding, it was unaware of the procedural schedule and deadline for intervention. Prior to the filing of this application, AACE has been monitoring similar applications filed by ETI in both Arkansas and Mississippi. With its members in mind, AACE has made comments on the similar application for proposed tariffs made by ETI in Arkansas. AACE recently learned of ETI's similar filing in Texas and how any decision will affect its members' rights. Therefore, good cause exists to grant AACE's Late-Filed Motion to Intervene.

Additionally, allowing AACE's participation in this proceeding would not prejudice the existing parties or disrupt the proceeding, as none of the existing parties will be adversely affected or burdened by AACE's participation in this case. AACE's motion is being filed weeks in advance of the October 26, 2022 deadline for written discovery and intervenor direct

testimony. AACE does not object to the procedural schedule and will comply with all existing deadlines. AACE's participation will not disrupt the proceeding. Therefore, granting AACE's Late-Filed Motion to Intervene will not prejudice the existing parties.

Finally, AACE's intervention will serve the public interest. AACE's members have a unique perspective and valuable experience that will aid the Commission in developing these issues. AACE has participated in similar proceedings in other states and seeks to create a robust marketplace for EV fast charging in Texas. AACE's goal is to position Texas with the tools and incentives to meet drivers' expectations of quality, service safety, and affordable, transparent, and competitive pricing for EVs. Accordingly, AACE's intervention will serve the public interest.

For these reasons set forth above, AACE respectfully requests that the ALJs permit AACE's intervention.

V. PRAYER

WHEREFORE PREMISES CONSIDERED, AACE requests intervention in the above-styled proceeding and respectfully requests the ALJ grant its Late-Filed Motion to Intervene.

Respectfully submitted,

**LLOYD GOSSELINK ROCHELLE
& TOWNSEND, P.C.**

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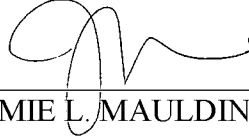
JAMIE L. MAULDIN
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**ATTORNEYS FOR AMERICANS FOR
AFFORDABLE CLEAN ENERGY**

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 October 11, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

A handwritten signature in black ink, appearing to read 'J. Mauldin', is positioned above a horizontal line.

JAMIE L. MAULDIN