



## Filing Receipt

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**BEFORE THE**  
**STATE OFFICE OF ADMINISTRATIVE**  
**HEARINGS**

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

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**SOAH ORDER NO. 8**

**MEMORIALIZING PREHEARING CONFERENCE; GRANTING MOTIONS  
TO INTERVENE; GRANTING ETI'S SIXTH MOTION TO CONSOLIDATE;  
SETTING DEADLINE FOR PARTIES**

**I. APPEALS OF MUNICIPAL DECISIONS**

On October 13, 2022, Entergy Texas, Inc. (ETI) filed its Sixth Petition for Review of Municipal Ordinances and Motion to Consolidate (Petition). ETI asserts that the Cities/Towns of Willis, Groves, and Nederland (collectively, Cities) in which it operates denied ETI's requested rate change. In its Petition,

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 Petition is **GRANTED**, and the appeals of the Cities' denials of the requested rates are **CONSOLIDATED** for review with this docket.

## **II. GRANTING MOTIONS TO INTERVENE**

On October 11, 2022, Americans for Affordable Clean Energy (AACE) filed an untimely motion to intervene.<sup>1</sup> However, AACE stated that its participation in the case will not disrupt the proceeding and its perspective will aid in developing the record. Moreover, AACE noted that decisions in this proceeding will impact its members' businesses and interests. No objections to AACE's motion were filed. AACE has established that it has a justiciable interest in this case, and its motion to intervene is **GRANTED**.

On October 17, 2022, El Paso Electric Company (EPE) also filed a late motion to intervene. EPE stated that it has an interest in this case as a vertically integrated electric utility operating in non-ERCOT areas and wants the opportunity to opine specifically on Issue No. 68 of the Preliminary Order, regarding utility ownership of electric vehicle charging stations and infrastructure. Additionally, EPE noted that its intervention will not be disruptive to existing parties and that it will comply with the established procedural schedule.

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<sup>1</sup> As per SOAH Order No. 2, the deadline to file motions to intervene was August 15, 2022.

It is unusual for other electric utilities to participate as parties in another electric utility's base rate case. However, the Administrative Law Judges (ALJs) **GRANT** EPE's motion to intervene, in order to align with the Public Utility Commission's (Commission) order overturning the ALJs' order denying Southwestern Public Service Company's (SPS) motion to intervene.<sup>2</sup>

However, the ALJs limit SPS's and EPE's participation in this case to the specific Preliminary Order (PO) Issues in which the Commission identified SPS has a particularized justiciable interest. The Commission further indicated this interest is shared by the small subset of vertically integrated electric utilities outside of the ERCOT region.<sup>3</sup> Accordingly, SPS and EPE are limited to filing intervenor direct testimony on PO Issue Nos. 68 and 69, concerning a vertically integrated electric utility outside the ERCOT region owning transportation electrification and charging infrastructure.<sup>4</sup>

### **III. MEMORIALIZING PREHEARING CONFERENCE**

On October 25, 2022, the ALJs convened a prehearing conference and shared their concerns with parties regarding the inclusion of issues in the PO that touch on policy considerations that might be more appropriate for a rulemaking proceeding or project. The ALJs considered severance of PO Issue Nos. 68 and 69

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<sup>2</sup> See Order On Appeal of SOAH Order No. 4 (Oct. 20, 2022).

<sup>3</sup> Order on Appeal of SOAH Order No. 4 at 1-2.

<sup>4</sup> During the October 25, 2022 prehearing conference, SPS's representative confirmed that SPS's participation in this proceeding would be limited to Preliminary Order Issue Nos. 68-69. EPE did not appear at the prehearing conference.

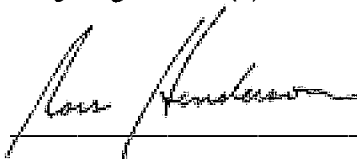
into a separate docket; however, after discussion with the parties, the ALJs have decided to not sever the issues at this time.

Additionally, consistent with the concerns addressed at the prehearing conference, the ALJs **ORDER** ETI to track its rate case expenses incurred with regard to PO Issue Nos. 68 and 69, for future consideration as to the reasonableness of services rendered on those particular issues.

Finally, the ALJs **ORDER** the parties confer with each other and file, no later than **October 28, 2022**, three potential dates and times for the week of November 28, 2022, for a prehearing conference to discuss pre-trial procedures.

**SIGNED OCTOBER 25, 2022.**

ALJ Signature(s):

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

Ross Henderson  
Presiding Administrative Law Judge

A handwritten signature in black ink, appearing to read "Rachelle Nicolette Robles", written over a horizontal line.

Rachelle Nicolette Robles  
Co-Presiding Administrative Law Judge