



## 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. 9  
ADOPTING DEADLINE; PROVIDING INSTRUCTIONS REGARDING  
FUTURE MOTIONS; AND RULING ON MOTIONS.**

**I. ADOPTING DEADLINE TO REQUEST A PREHEARING  
CONFERENCE**

On October 28, 2022, Entergy Texas, Inc (ETI) filed a response to State Office of Administrative Hearings (SOAH) Order No. 8 indicating that the parties agreed to a deadline of November 23, 2022, for any party to request a prehearing conference and provided dates of availability. The deadline is ADOPTED.

## **II. PROVIDING INSTRUCTIONS FOR MOTIONS**

Pursuant to SOAH's rules, the Administrative Law Judges (ALJs) require that any future motion include a certificate of conference.<sup>1</sup> Additionally, the ALJs remind the parties that they may agree to change the procedural schedule (deadlines that do not involve the ALJs) by Rule 11 agreement—which would not require a ruling from the ALJs.

## **III. GRANTING STAFF'S MOTION FOR LEAVE TO FILE UNTIMELY DIRECT TESTIMONY**

Staff (Staff) of the Public Utility Commission of Texas' deadline to file direct testimony was November 2, 2022. Staff filed a letter to the ALJs on November 2, 2022, stating that Staff would be filing the direct testimony for one of its witnesses (Ethan Blanchard) at an unspecified date to address "flow-through" impacts to rates regarding the adjustments made by other Staff witnesses. On November 9, 2022, Staff filed Mr. Blanchard's testimony and separately a Motion for Leave to file the testimony late. The time for responses has passed and no party filed an objection. Staff's motion is GRANTED.

## **IV. ADDRESSING ETI'S MOTION FOR LEAVE TO FILE SUPPLEMENTAL REBUTTAL TESTIMONY**

Six days after Staff filed Mr. Blanchard's testimony, ETI filed a motion requesting leave to file supplemental rebuttal testimony by November 22, 2022.

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<sup>1</sup> See 1 Tex. Admin Code § 155.305(b)(2).

ETI requested an expedited ruling on the motion in light of its November 16, 2022 deadline for filing rebuttal testimony adopted in the procedural schedule governing the case. In its motion, ETI stated it is still evaluating Mr. Blanchard's testimony and it is unsure whether additional testimony will be required (the deadline will likely have passed before ETI is sure). Although the deadline is imminent and ETI has demonstrated good cause for its request, the ALJs cannot grant the motion on an expedited basis. The Commission's rules allow expedited ruling on a pleading before the deadline for responsive pleadings (which is five working days) "when necessary to prevent or mitigate imminent harm or injury to persons or to real or personal property." This high burden has not been shown in ETI's pleading. Although the ALJs do not grant the motion at this time, we will likely grant the motion at the appropriate time and also consider any requests for leave to file cross-rebuttal on this limited issue if a Rule 11 agreement cannot be made amongst the parties.

**SIGNED NOVEMBER 16, 2022.**

ALJ Signature(s):



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Rachelle Robles,  
Co-Presiding Administrative Law Judge



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Ross Henderson,  
Presiding Administrative Law Judge