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

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

Pursuant to PURA¹ § 33.051, Entergy Texas, Inc. (“ETI” or the “Company”) hereby submits this Eighth 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.² 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

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

² While ETI endeavors to file each ordinance within 30 days in accordance with PURA § 33.053(b), ETI is including with this petition ordinances from the Cities of Liberty and Pinehurst issued on October 11, 2022 and City of Port Arthur issued on October 25, 2022. ETI received all three of these ordinances on November 28, 2022 and has filed them as expediently as possible.

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.

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.³

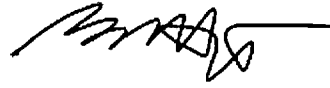
III. CONCLUSION

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.

³ See 16 Tex. Admin. Code § 22.34(a).

Dated: November 28, 2022

Respectfully submitted,



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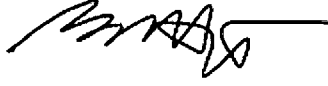
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ATTORNEYS FOR ENTERGY TEXAS, INC

CERTIFICATE OF SERVICE

I hereby certify that on the 28th day of November 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

Date of Municipal Action	City
October 11, 2022	Liberty
October 11, 2022	Pinehurst
October 25, 2022	Port Arthur

EXHIBIT B
CITY ORDINANCES

**The City of Liberty**

City Council
1829 Sam Houston
Liberty, TX 77575

Meeting: 10/11/2022 6:00 PM

Department: Administration
Category: Action Item

Ordinance 2022-22

**AN ORDINANCE BY THE CITY OF LIBERTY, TEXAS, DENYING
ENTERGY TEXAS, INC.'S STATEMENT OF INTENT AND
APPLICATION FOR AUTHORITY TO CHANGE RATES FILED ON
JULY 1, 2022; FINDING THAT THE MEETING COMPLIES WITH THE
OPEN MEETINGS ACT; MAKING OTHER FINDINGS AND
PROVISIONS RELATED TO THE SUBJECT; AND DECLARING AN
EFFECTIVE DATE**

WHEREAS, on or about July 1, 2022, Entergy Texas, Inc. ("Entergy") filed its Statement of Intent and Application for Authority to Change Rates with the City of Liberty ("City") to increase electric rates in the Entergy Service Area by approximately \$131.4 million per year; and

WHEREAS, Cities have exclusive original jurisdiction over the rates, operations and services of an electric utility in areas in the municipality pursuant to the Public Utility Regulatory Act §33.001(a); and

WHEREAS, Public Utility Regulatory Act § 33.021 requires a local regulatory authority to make a reasonable determination of rate base, expenses, investment and rate of return and retain the necessary personnel to determine reasonable rates; and

WHEREAS, the City of Liberty suspended the effective date of Entergy's rates within its jurisdictional limits until at least November 3, 2022, and hired the Lawton Law Firm, P.C. to review the Entergy's rate change request and proposed tariffs; and

WHEREAS, the expert utility rate consultants retained to review the Entergy's rate increase on behalf of the City's proposed adjustments to Entergy's requested profit levels, depreciation recoveries, and other cost of service items, and concluded that Entergy has not justified the need for a rate increase; and

WHEREAS, Entergy has failed to justify increasing the rates previously determined to be reasonable and necessary by this City and other Texas regulatory authorities; and

WHEREAS, the statutory deadline to act on Entergy's rate increase request is November 3, 2022.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, THAT:

Section 1. That the statement and findings set out in the preamble to this Ordinance are hereby in all things approved and adopted.

Section 2. The City of Liberty hereby denies the rate increase and proposed tariff revisions

requested in Entergy's Statement of Intent.

Section 3. Entergy is hereby Ordered to continue operating under its existing approved rates.

Section 4. The meeting at which this Ordinance was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

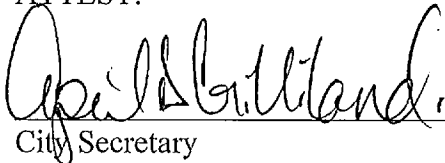
Section 5. This ordinance shall become effective from and after its passage.

PASSED AND APPROVED this 11th day of October, 2022.

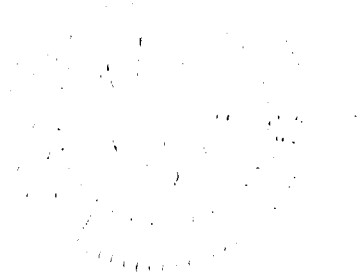


Mayor
City of Liberty, Texas

ATTEST:



City Secretary
City of Liberty, Texas



ORDINANCE NO. 2022-08

**AN ORDINANCE BY THE CITY OF PINEHURST, TEXAS,
DENYING ENTERGY TEXAS, INC.'S STATEMENT OF
INTENT AND APPLICATION FOR AUTHORITY TO
CHANGE RATES FILED ON JULY 1, 2022; FINDING
THAT THE MEETING COMPLIES WITH THE OPEN
MEETINGS ACT; MAKING OTHER FINDINGS AND
PROVISIONS RELATED TO THE SUBJECT; AND
DECLARING AN EFFECTIVE DATE**

WHEREAS, on or about July 1, 2022, Entergy Texas, Inc. ("Entergy") filed its Statement of Intent and Application for Authority to Change Rates with the City of Pinehurst ("City") to increase electric rates in the Entergy Service Area by approximately \$131.4 million per year; and

WHEREAS, Cities have exclusive original jurisdiction over the rates, operations and services of an electric utility in areas in the municipality pursuant to the Public Utility Regulatory Act §33.001(a); and

WHEREAS, Public Utility Regulatory Act § 33.021 requires a local regulatory authority to make a reasonable determination of rate base, expenses, investment and rate of return and retain the necessary personnel to determine reasonable rates; and

WHEREAS, the City of Pinehurst suspended the effective date of Entergy's rates within its jurisdictional limits until at least November 3, 2022, and hired the Lawton Law Firm, P.C. to review the Entergy's rate change request and proposed tariffs; and

WHEREAS, the expert utility rate consultants retained to review the Entergy's rate increase on behalf of the City proposed adjustments to Entergy's requested profit levels, depreciation recoveries, and other cost of service items, and concluded that Entergy has not justified the need for a rate increase; and

WHEREAS, Entergy has failed to justify increasing the rates previously determined to be reasonable and necessary by this City and other Texas regulatory authorities; and

WHEREAS, the statutory deadline to act on Entergy's rate increase request is November 3, 2022.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PINEHURST, TEXAS, THAT:

Section 1. That the statement and findings set out in the preamble to this Ordinance are hereby in all things approved and adopted.

Section 2. The City of Pinehurst hereby denies the rate increase and proposed tariff revisions requested in Entergy's Statement of Intent.

Section 3. Entergy is hereby Ordered to continue operating under its existing approved rates.


Section 4. The meeting at which this Ordinance was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 5. This ordinance shall become effective from and after its passage.

PASSED AND APPROVED this 11th day of October, 2022.


Mayor

ATTEST:


City Secretary

**P.O. No. 7104
10/12/22 gt**

ORDINANCE NO. 22-75

**AN ORDINANCE BY THE CITY OF PORT ARTHUR, TEXAS,
DENYING ENTERGY TEXAS, INC.'S STATEMENT OF INTENT
AND APPLICATION FOR AUTHORITY TO CHANGE RATES
FILED ON JULY 1, 2022; FINDING THAT THE MEETING
COMPLIES WITH THE OPEN MEETINGS ACT; MAKING OTHER
FINDINGS AND PROVISIONS RELATED TO THE SUBJECT;
AND DECLARING AN EFFECTIVE DATE**

WHEREAS, on or about July 1, 2022, Entergy Texas, Inc. ("Entergy") filed its Statement of Intent and Application for Authority to Change Rates with the City of Port Arthur ("City") to increase electric rates in the Entergy Service Area by approximately \$131.4 million per year; and

WHEREAS, Cities have exclusive original jurisdiction over the rates, operations and services of an electric utility in areas in the municipality pursuant to the Public Utility Regulatory Act §33.001(a); and

WHEREAS, Public Utility Regulatory Act § 33.021 requires a local regulatory authority to make a reasonable determination of rate base, expenses, investment and rate of return and retain the necessary personnel to determine reasonable rates; and

WHEREAS, the City of Port Arthur suspended the effective date of Entergy's rates within its jurisdictional limits until at least November 3, 2022, and hired the Lawton Law Firm, P.C. to review the Entergy's rate change request and proposed tariffs; and

WHEREAS, the expert utility rate consultants retained to review the Entergy's rate increase on behalf of the City proposed adjustments to Entergy's requested profit levels, depreciation recoveries, and other cost of service items, and concluded that Entergy has not justified the need for a rate increase; and

WHEREAS, Entergy has failed to justify increasing the rates previously determined to be reasonable and necessary by this City and other Texas regulatory authorities; and

WHEREAS, the statutory deadline to act on Entergy's rate increase request is November 3, 2022.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORT ARTHUR, TEXAS:

Section 1. That the statement and findings set out in the preamble to this Ordinance are hereby in all things approved and adopted.

Section 2. That the City of Port Arthur hereby denies the rate increase and proposed tariff revisions requested in Entergy's Statement of Intent.

Section 3. That Entergy is hereby Ordered to continue operating under its existing approved rates.

Section 4. That the meeting at which this Ordinance was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 5. That this ordinance shall become effective from and after its passage.

READ, ADOPTED AND APPROVED on this 25th day of October A.D., 2022, at a Meeting of the City Council of the City of Port Arthur, Texas, by the following vote: AYES:

Mayor: *Bartie; Mayor As Lem Holmer*

Councilmembers: *Jones, Kinlaw, Maser and Frank.*

NOES: *None.*


Thurman Bill Bartie, Mayor

ATTEST:

Sherri Bellard, City Secretary

APPROVED AS TO FORM:


Valecia R. Tizeno, City Attorney

APPROVED AS TO ADMINISTRATION:


Ronald Burton, City Manager