



## Filing Receipt

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

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

Pursuant to PURA<sup>1</sup> § 33.051, Entergy Texas, Inc. (“ETI” or the “Company”) hereby submits this Ninth 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.<sup>2</sup> 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

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

<sup>2</sup> 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 City of Anahuac issued on October 11, 2022 and Bridge City issued on October 18, 2022. ETI received both of these ordinances on November 29, 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.<sup>3</sup>

### **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.

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<sup>3</sup> See 16 Tex. Admin. Code § 22.34(a).

Dated: November 29, 2022

Respectfully submitted,



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ATTORNEYS FOR ENTERGY TEXAS, INC

### **CERTIFICATE OF SERVICE**

I hereby certify that on the 29<sup>th</sup> 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**

<b>Date of Municipal Action</b>	<b>City</b>
October 11, 2022	Anahuac
October 18, 2022	Bridge City

**EXHIBIT B**  
**CITY ORDINANCES**



**ORDINANCE NO. 2022-10-01**

**AN ORDINANCE BY THE CITY OF ANAHUAC, 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 Anahuac ("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 Anahuac 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 ANAHUAC, 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.

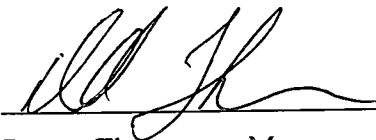
Section 2. The City of Anahuac hereby denies the rate increase and proposed tariff revisions requested in Entergy's Statement of Intent.

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

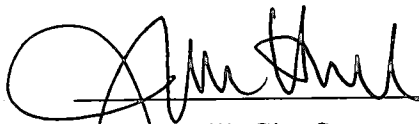
Section 4. The meeting at which this Ordinance was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

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

PASSED AND APPROVED this 11<sup>th</sup> day of OCTOBER, 2022.

  
\_\_\_\_\_  
Danny Thompson, Mayor

ATTEST:

  
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Julie Harvill, City Secretary

**ORDINANCE NO. 2022-16**

**AN ORDINANCE BY THE CITY OF ~~CITY OF~~ BRIDGE CITY, 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 Bridge 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 Bridge City 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 BRIDGE CITY, 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 Bridge City 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 18<sup>th</sup> day of October, 2022.

  
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DAVID RUTLEDGE, MAYOR

ATTEST:

  
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JEANIE MCDOWELL, CITY SECRETARY

