



## Filing Receipt

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

<b>ENERGY TEXAS, INC.’S STATEMENT OF INTENT AND APPLICATION FOR AUTHORITY TO CHANGE RATES</b>	§ § § § §	<b>BEFORE THE STATE OFFICE  OF  ADMINISTRATIVE HEARINGS</b>
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**ENERGY TEXAS, INC.’S TENTH 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 Tenth 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 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.

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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 Rose City and City of Vidor issued on October 13, 2022. ETI received both of these ordinances on November 30, 2022 and has filed them as expediently as possible.

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 30, 2022

Respectfully submitted,



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ATTORNEYS FOR ENTERGY TEXAS, INC

**CERTIFICATE OF SERVICE**

I hereby certify that on the 30<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 13, 2022	Rose City
October 13, 2022	Vidor
November 28, 2022	Roman Forest

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



ORDINANCE NO. 101322

AN ORDINANCE BY THE CITY OF ROSE 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 Pine Forest, Texas ("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 Rose City, Texas, 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 ROSE 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 Rose City, Texas, 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 551.

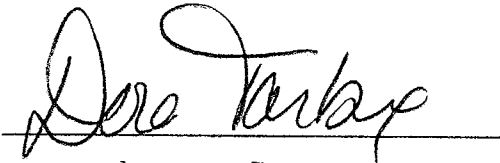
Section 5. This ordinance shall become effective from and after its passage.

Passed and Approved this 13 day of October, 2022

A handwritten signature in cursive script that reads "Bonnie Stephenson". The signature is written in black ink and is positioned above a horizontal line.

Bonnie Stephenson, Mayor

ATTEST:

A handwritten signature in cursive script that reads "Dora Tarbox". The signature is written in black ink and is positioned above a horizontal line.

Dora Tarbox, City Secretary

**ORDINANCE NO. 1437**

**AN ORDINANCE BY THE CITY OF VIDOR, 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 Vidor, Texas (“City”) to increase electric rates in the Entergy Service Area by approximately \$131.4 million per year;

**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 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 VIDOR, 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 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 13<sup>th</sup> day of October, 2022.

**CITY OF VIDOR, TEXAS**

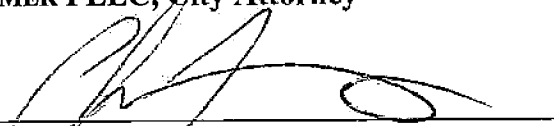
  
Misty Songe, Mayor

**ATTEST:**

  
Betty Strong, City Secretary

**APPROVED:**

**GERMER PLLC, City Attorney**

By:   
Christopher D. Leavins

**ORDINANCE NO. 544-22**

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF ROMAN FOREST, TEXAS, (or “City”) declining to approve the change in rates requested in Entergy Texas, Inc.’s (“ETI” or “Company”) Statement of Intent filed with the City on July 1, 2022, AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS CONSIDERED WAS OPEN TO THE PUBLIC AND IN ACCORDANCE WITH TEXAS LAW.**


**WHEREAS**, ETI filed with the City its Statement of Intent and *Application of Entergy Texas, Inc. for Authority to Change Rates* (“Statement of Intent”);

**WHEREAS**, the City has duly noticed its consideration of the Company’s Statement of Intent and is acting within its authority under applicable law;

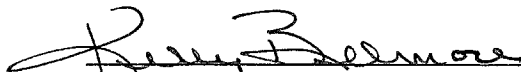
**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROMAN FOREST, TEXAS** THAT the City **DECLINES** to approve any and all changes in rates requested by ETI and included in ETI’s Statement of Intent and that ETI’s proposed new rates should not be made effective.

**PASSED AND APPROVED ON THE FIRST READING THIS 28TH day of NOVEMBER, 2022.**



  
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Mayor Chris Parr

**ATTEST:**

  
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Kelly Belmore, City Secretary  
City of Roman Forest