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

APPLICATION OF ENTERGY TEXAS,	§	BEFORE THE STATE OFFICE OF
INC. FOR AUTHORITY TO CHANGE	§	ADMINISTRATIVE HEARINGS
RATES	§	

RESPONSE TO TIEC’S FIRST RFI TO CITIES

The Cities of Anahuac, Beaumont, Bridge City, Cleveland, Dayton, Groves, Houston, Huntsville, Liberty, Montgomery, Navasota, Nederland, Oak Ridge North, Orange, Pine Forest, Pinehurst, Port Arthur, Port Neches, Roman Forest, Rose City, Shenandoah, Silsbee, Sour Lake, Splendora, Vidor, West Orange, and Willis (“Cities”) hereby file their responses to TIEC’s (“TIEC”) First Request for Information (“RFI”) to Cities. Cities’ responses to the RFIs are attached hereto and numbered as they were numbered in TIEC’s Request. Cities’ responses are timely filed pursuant to Tex. Admin. Code § 22.144(c) and SOAH Order No. 2. All parties to the above captioned proceeding may treat these responses as if they were filed under oath.

Respectfully submitted,
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CERTIFICATE OF SERVICE

I hereby certify that a copy of this document was served on all parties of record in this proceeding on this the 2nd day of December, 2022, in accordance with the Order Suspending Rules issued in Project No. 50664.

A handwritten signature in black ink, reading "Molly Mayhall Vandervoort". The signature is written in a cursive, flowing style.

Molly Mayhall Vandervoort

Responding Party: Cities
Requesting Party: TIEC

Docket No.: 53719
Question No.: TIEC-CITIES 1-1

Prepared by: Karl Nalepa
Sponsoring Witness: Karl Nalepa

REQUEST:

TIEC-CITIES 1-1

Referring to the Cross-Rebuttal Testimony of Karl Nalepa at page 6, line 25 to page 7, line 4, please explain how HEB's continued operation during a system power outage is related to the electric service of non-host customers.

RESPONSE:

HEB's continued operation during a system power outage is not directly related to the electric service of non-host customers. But HEB's continued operation during a system power outage offers benefits to the greater community by providing access to food and water, medicines, consumable products, cleaning supplies, and the myriad of other items that are necessary under normal conditions and critical under extreme conditions. And in the event the system power outage is caused by extreme weather conditions, the open HEBs may even serve as a refuge for some customers to escape the cold, wind or rain.

Responding Party: Cities
Requesting Party: TIEC

Docket No.: 53719
Question No.: TIEC-CITIES 1-2

Prepared by: Karl Nalepa
Sponsoring Witness: Karl Nalepa

REQUEST:

TIEC-CITIES 1-2

Referring to the Cross-Rebuttal Testimony of Karl Nalepa at page 8, lines 3–5, does Mr. Nalepa agree that ETI's backup generators and ERCOT mobile generators are both assets connected at the distribution level intended to facilitate power restoration to a limited number of customers during outages?

RESPONSE:

It is Mr. Nalepa's understanding that ETI's backup generators are permanently connected to its distribution system and can provide power to the entire MISO grid during normal conditions or to specific customers connected to the backup generation during system outages. ERCOT mobile generators will only be connected to the distribution system during specified system outages to serve certain circuits within the distribution system rather than specific customers on the system and are prohibited from sending power to the ERCOT grid.

Responding Party: Cities
Requesting Party: TIEC

Docket No.: 53719
Question No.: TIEC-CITIES 1-3

Prepared by: Karl Nalepa
Sponsoring Witness: Karl Nalepa

REQUEST:

TIEC-CITIES 1-3

Referring to the Cross-Rebuttal Testimony of Karl Nalepa at page 9, lines 10– 5:

- a. Does a customer taking service through Schedule SMS require ETI to install a generator dedicated to that customer?
- b. Please identify all the ways in which HEB or other customers receiving backup electric service through the proposed Power Through program are identical to Schedule SMS customers.

RESPONSE:

- a. It is Mr. Nalepa's understanding that a customer taking service through Schedule SMS does not require ETI to install a generator dedicated to that customer. But ETI must be prepared and ready to provide back-up power to SMS customers that request such service.
- b. Mr. Nalepa does not agree with the premise, and did not testify, that customers receiving backup electric service through the proposed Power Through program and Schedule SMS customers are identical. However, Mr. Nalepa did testify that the purpose of the backup generation and Schedule SMS is essentially the same - to provide power to a specific customer when the customer's primary supply is interrupted.

Responding Party: Cities
Requesting Party: TIEC

Docket No.: 53719
Question No.: TIEC-CITIES 1-4

Prepared by: Karl Nalepa
Sponsoring Witness: Karl Nalepa

REQUEST:

TIEC-CITIES 1-4

Referring to the Cross-Rebuttal Testimony of Karl Nalepa at page 13, lines 1–3, please confirm or deny that the Commission’s decision in Docket No. 39896 predates decisions made in the dockets cited by Mr. Pollock identified in this section of Mr. Nalepa’s cross-rebuttal testimony?

RESPONSE:

Confirm that the Commission decision in ETI Docket No. 39896 predates the Commission decisions in SWEPCO Docket Nos. 40443 and 46449 and SPS Docket No. 43695.

Responding Party: Cities
Requesting Party: TIEC

Docket No.: 53719
Question No.: TIEC-CITIES 1-5

Prepared by: Karl Nalepa
Sponsoring Witness: Karl Nalepa

REQUEST:

TIEC-CITIES 1-5

Referring to the Cross-Rebuttal Testimony of Karl Nalepa at page 13, lines 1– 3, please explain why Mr. Nalepa believes that the assertions made about Docket Nos. 40443, 46449, and 43695 necessitate that the Commission should not rely on these three cases.

RESPONSE:

Mr. Nalepa's testimony was intended to provide context for the Commission decisions in Docket Nos. 40443, 46449, and 43695. For instance, the decision in SWEPCO Docket No. 40443 was issued only a few months after the decision in ETI Docket No. 39896 yet came to a different conclusion regarding allocation of miscellaneous gross receipts taxes ("MGRT"). It is not likely the Commission abruptly changed its mind but rather, was facing a different set of facts between the two utilities. Furthermore, the Orders in Docket Nos. 46449 and 43695 did not address MGRT, so there is no precedent in those dockets on which to rely.

Responding Party: Cities
Requesting Party: TIEC

Docket No.: 53719
Question No.: TIEC-CITIES 1-6

Prepared by: Karl Nalepa
Sponsoring Witness: Karl Nalepa

REQUEST:

TIEC-CITIES 1-6

Please state whether it is Mr. Nalepa's opinion that portions of Commission orders relating to uncontested issues may be precedential.

RESPONSE:

Mr. Nalepa is not an attorney, but based on his experience it is possible that portions of Commission orders relating to uncontested issues may be precedential, but it depends on the issue and why the issue was uncontested.

Responding Party: Cities
Requesting Party: TIEC

Docket No.: 53719
Question No.: TIEC-CITIES 1-7

Prepared by: Karl Nalepa
Sponsoring Witness: Karl Nalepa

REQUEST:

TIEC-CITIES 1-7

Please state whether it is Mr. Nalepa's opinion that a Commission order issued in a case filed by one utility may be precedential in a case filed by another utility.

RESPONSE:

Mr. Nalepa is not an attorney, but based on his experience, a Commission order issued in a case filed by one utility may be precedential in a case filed by another utility if the circumstances surrounding the particular issue are the same.