



Filing Receipt

Received - 2023-01-25 02:23:27 PM
Control Number - 53719
ItemNumber - 457

**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
--	----------------------------------	---

**ENTERGY TEXAS, INC.’S THIRTEENTH 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 Thirteenth 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 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.

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 ordinance from the City of Huntsville issued on October 18, 2022. ETI received this ordinance on January 25, 2023 and has filed it 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.³

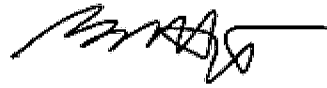
III. CONCLUSION

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: January 25, 2023

Respectfully submitted,



George G. Hoyt, SBN: 24049270
Laura B. Kennedy
Kristen Yates
Entergy Services, LLC
919 Congress Avenue, Suite 701
Austin, Texas 78701
(512) 487-3945
(512) 487-3958 (fax)
ghoyt90@entergy.com
lkenn95@entergy.com
kyates1@entergy.com

Lino Mendiola III
Michael A. Boldt
Cathy Garza
EVERSHEDS SUTHERLAND (US) LLP
600 Congress Avenue, Suite 2000
Austin, Texas 78701
(512) 721-2700
(512) 721-2656 (fax)
linomendiola@eversheds-sutherland.com
michealbolt@eversheds-sutherland.com
cathygarza@eversheds-sutherland.com

Scott R. Olson
Patrick Pearsall
Stephanie Green
DUGGINS WREN MANN & ROMERO, LLP
600 Congress, Suite 1900
Austin, Texas 78701
(512) 744-9300
(512) 744-9399 (fax)
solson@dwmrlaw.com
ppearsall@dwmrlaw.com
sgreen@dwmrlaw.com

ATTORNEYS FOR ENTERGY TEXAS, INC

CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of January 2023, 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', is written over a horizontal line.

George G. Hoyt

EXHIBIT A

LIST OF CITIES AND DATES OF ORDINANCES

Date of Municipal Action	City
October 18, 2022	Huntsville

EXHIBIT B
CITY ORDINANCES

ORDINANCE NO. 2022-32

AN ORDINANCE BY THE CITY OF HUNTSVILLE, 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 Huntsville ("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 Huntsville 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 HUNTSVILLE, 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 Huntsville 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 ON THE SECOND READING THIS 18th
day of October, 2022.

ATTEST:


Kristy Doll, City Secretary



THE CITY OF HUNTSVILLE


Andy Brauning, Mayor

APPROVED:

Leonard Schneider, City Attorney

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 ON THE SECOND READING THIS 18th
day of October, 2022.

ATTEST:



Kristy Doll, City Secretary



THE CITY OF HUNTSVILLE


Andy Brauninger, Mayor

APPROVED:


Leonard Schneider, City Attorney