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Received - 2023-01-31 02:10:43 PM
Control Number - 53719
ItemNumber - 468

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

APPLICATION OF ENTERGY TEXAS, INC. FOR AUTHORITY TO CHANGE RATES	§ § §	BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS
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**AMERICANS FOR AFFORDABLE CLEAN ENERGY’S
PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW**

On December 27, 2022, the State Office of Administrative Hearings (SOAH) Administrative Law Judges (ALJs) filed SOAH Order No. 14, establishing a deadline of January 31, 2023, for parties to file Proposed Findings of Fact and Conclusions of Law.¹ Therefore, Americans for Affordable Clean Energy’s (AACE) Proposed Findings of Fact and Conclusions of Law is timely filed. These proposed findings and conclusions are not exhaustive, but each one presented below should be included in the Proposal for Decision’s findings of fact and conclusions of law:

I. FINDINGS OF FACT

Preliminary Order Issue Nos. 68 and 69

1. On August 4, 2022, the Commission issued its Preliminary Order, which included Issue Nos. 68 and 69 pertaining to the voluntary riders proposed by ETI in its application.
2. Preliminary Order Issue No. 68 asked whether it is appropriate for an electric utility in a vertically integrated area to own vehicle-charging facilities or other transportation electrification and charging infrastructure, or whether the ownership of such facilities should be left to competitive providers.
3. Preliminary Order Issue No. 69 asked whether ETI should be allowed to own transportation electrification and charging infrastructure—including vehicle-charging facilities—in the manner it has proposed in its application, or whether such ownership should be wholly left to customers or third parties.

Transportation Electrification and Charging Infrastructure (TECI) Rider

4. The TECI Rider is a voluntary rider designed to allow ETI to plan, construct, own, operate, and maintain transportation electrification (TE) related infrastructure and equipment (such

¹ SOAH Order No. 14—Adopting Briefing Outline; Admitting Evidence; and Adopting Procedural Schedule (Dec. 27, 2022).

as electric vehicle (EV) charging stations) on customer-owned property, with costs incurred by ETI to be added to the interested customer's monthly electric bill as a fixed payment.

5. An electric utility constructing, owning, and maintaining make-ready EV charging infrastructure up to the EV charging station, but not including the EV charging station itself, would provide support for private businesses to invest in EV charging stations.
6. Make-ready EV charging infrastructure consists of the installation of necessary electric grid, transmission, and other necessary infrastructure upstream of EV charging stations needed to provide power to EV charging stations.
7. It is appropriate for an electric utility in a vertically integrated area, such as ETI, to own make-ready EV charging infrastructure up to the EV charging stations, but not including the EV charging station itself.
8. It is not appropriate for an electric utility to own EV charging stations because the EV charging market is a competitive market in which EV charging station ownership should be left to private businesses.
9. The Federal and Texas Governments have shown support for expanding TE infrastructure by developing programs and grants to create a statewide EV charging network to meet future, increasing EV charging demands.
10. The EV charging station market is a competitive market in which private businesses partake.
11. The TECI Rider as proposed by ETI should be denied because it would be premature, inappropriate, and noncompliant with PURA and other policies for an electric utility in a vertically integrated area to compete in a competitive market.

Transportation Electrification and Charging Demand Adjustment (TECDA) Rider

12. The TECDA Rider is a voluntary rider designed to provide targeted demand charge relief and reduce electric bill uncertainty for non-residential customers installing electric service under Rate Schedule GS.
13. Site hosts face high monthly electricity bills affected by uncertain and high demand charges resulting from high-power capacity for charging but consumption of relatively low amounts of electricity per EV charge.

14. High demand charges are a barrier to investments in EV charging stations by private businesses.
15. The TECDA Rider is appropriate and would provide relief from high demand charges, resulting in increased investments in EV charging by private businesses.
16. The TECDA Rider should not be limited to being used by the site host for five years since sporadic, high demand charges could remain an issue after five years.

II. CONCLUSIONS OF LAW

1. The Commission has jurisdiction and authority over this proceeding pursuant to Chapter 36 of the Public Utility Regulatory Act (PURA).²
2. SOAH has jurisdiction over matters related to the conduct of the hearing in this proceeding pursuant to Texas Government Code § 2003.049.
3. ETI is an electric utility under PURA § 31.002(6).
4. The Commission processed this docket in accordance with the requirements of PURA, the Administrative Procedure Act,³ and Commission rules.
5. The TECI Rider is inappropriate under PURA. Allowing electric utilities in a vertically integrated area to participate in the EV charging market would be in opposition to the policy and purpose of PURA because PURA requires the provision of generation and retail services to be subject to a competitive market.⁴

III. CONCLUSION

AACE requests the proposed findings of facts and conclusions of law presented above be included in the findings of facts and conclusions of law section of the Proposal for Decision entered in this docket.

² Public Utility Regulatory Act, Tex. Util. Code Ann. §§ 11.001-66.016 (PURA).

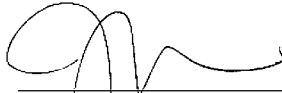
³ Tex. Gov't Code §§ 2001.001-2001.903.

⁴ Tex. Util. Code § 31.001(c).

Respectfully submitted,

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**ATTORNEYS FOR AMERICANS FOR
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CERTIFICATE OF SERVICE

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on January 31, 2023, in accordance with the Order Suspending Rules, issued in Project No. 50664.



JAMIE L. MAULDIN