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PUC DOCKET NO. 53719**

<b>ENTERGY 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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**ENTERGY TEXAS, INC.’S SEVENTEENTH 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 Seventeenth 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 an ordinance from the City of Rose Hill Acres issued on September 13, 2022. ETI only recently received the attached ordinance. ETI is now filing this petition 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**

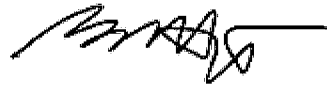
For the foregoing reasons, ETI respectfully requests that the Commission grant this Petition for review of the municipal actions set forth in Exhibit B, Motion to Consolidate, and the relief requested in ETI's Application.

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

Dated: February 15, 2023

Respectfully submitted,



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ATTORNEYS FOR ENTERGY TEXAS, INC

**CERTIFICATE OF SERVICE**

I hereby certify that on the 15<sup>th</sup> day of February 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", 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>
September 13, 2022	Rose Hill Acres

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



ORDINANCE NO. 09-13-2022

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF Rose Hill Acres 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 Rose Hill Acres, 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 13<sup>th</sup> day of Sept., 2022

  
\_\_\_\_\_  
"Name," Mayor

ATTEST:

  
\_\_\_\_\_  
"NAME," City Secretary (or "title")