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Received - 2023-02-27 03:15:51 PM
Control Number - 53719
ItemNumber - 489

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

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

**AGREED PROPOSED PREHEARING PROCESS AND PROPOSED ORDER OF
PRESENTATION OF PARTIES AND WITNESSES FOR RATE CASE EXPENSE
HEARING**

In State Office of Administrative Hearings (“SOAH”) Order No. 14, the Administrative Law Judges (“ALJs”) adopted the procedural schedule proposed by Entergy Texas, Inc. (“ETI” or the “Company”) in the joint proposed procedural schedule regarding rate case expenses (“RCE”) filed on December 21, 2022. Pursuant to that schedule, ETI requested a hearing by the February 24, 2023 deadline. In preparation for the upcoming RCE hearing on March 1, 2023, ETI respectfully requests the ALJs adopt the following agreed proposed prehearing processes. ETI is authorized to represent that the following parties support this request: Staff (“Staff”) for the Public Utility Commission of Texas (“Commission”), Cities¹, Texas Industrial Energy Consumers (“TIEC”), Office of Public Utility Counsel (“OPUC”), Sierra Club, Federal Executive Agencies, and Walmart, Inc.

I. Proposed Order of Presentation of Parties and Witnesses

ETI submits the following agreed proposed order of presentation of parties and witnesses:

- ETI Direct
 - Richard E. Lain
 - Ryan M. Dumas
 - Meghan E. Griffiths
- Staff Direct
 - Ruth Stark
- ETI Rebuttal
 - Richard E. Lain
 - Ryan M. Dumas
 - Meghan E. Griffiths

¹ “Cities” includes 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.

The parties agree to waive cross-examination of Cities witness Norman Gordon and OPUC witness Evan D. Evans, who filed testimony regarding the RCE included in ETI's request. In addition, Sierra Club and Walmart, Inc. have indicated they do not intend to participate in the hearing on rate case expenses.

II. Proposed Prehearing Process

By February 27, 2023:

- a. Each party shall upload all hearing exhibits (excluding cross-examination exhibits) and an exhibit list to a file-sharing site to be provided by ETI. To the extent a party's hearing exhibits were included on its hearing exhibit list submitted prior to the hearing on the merits originally scheduled for December 5, 2022, those hearing exhibits shall retain their exhibit numbers from that list. Exhibits not included on a party's prior exhibit list shall be numbered sequentially starting with the exhibit number following the last exhibit included on the party's prior list. Multipage documents shall be paginated or Bates-stamped.
- b. Parties shall not be required to serve hard copies of exhibits to other parties so long as they upload accurate copies of the exhibits to ETI's file-sharing site.
- c. Each party shall deliver to the court reporter (Kennedy Reporting Service at 512-474-2233) two copies of their marked exhibits, consisting of one physical copy (record copy) and one electronic copy (such as by email) (the court reporting copy), along with the party's witness list and exhibit list. The parties should make arrangements directly with the court reporter on how and when the exhibits will be delivered to ensure that someone is available to accept delivery.
- d. Each party shall deliver three physical copies of their marked exhibits (one for the ALJs and two appeals copies) to State Office of Administrative Hearings Docketing Room 504, 5th Floor, William P. Clements Building, 300 West 15th Street, Austin, Texas 78701.
- e. ETI shall provide access to the shared site containing the parties' exhibits to the ALJs' legal assistant, Tujuana Tate, at tujuana.tate@soah.texas.gov, to ensure that it comports with SOAH's IT requirements. The ALJs shall be provided access to the file-sharing site.

- f. ETI shall file a list of persons who have signed the Protective Order certification to the extent any additional parties have signed the Protective Order certification since the list filed by ETI on December 5, 2022. Protected Material shall be provided in accordance with 16 Texas Administrative Code § 22.71(d)(1) and the Protective Order approved by SOAH Order No. 1. Except as described below, the parties shall identify any exhibits containing Protected Materials but shall not include such exhibits in their filing or serve other parties with the Protected Material exhibits. A sealed copy of the exhibits containing Protected Materials shall be provided to SOAH and the court reporter. The parties shall provide electronic copies of the exhibits containing Protected Materials to the applicant and other parties with representatives who have signed the Protective Order certification by hand-delivery; provided however, if the Protected Materials included in an exhibit have already been provided to the parties, the party with an exhibit containing Protected Materials does not have to provide those Protected Materials again to the other parties. The parties shall notify Ms. Tate and the SOAH Docketing division by calling 512-475-4993 regarding when the Protected Materials will be delivered.
- g. It is the responsibility of any party presenting a witness to (1) coordinate with counsel for ETI to ensure the witness has access to the ETI file-sharing site; and (2) ensure the witness has the necessary technology to be able to access the ETI file-sharing site, especially during the witness's testimony.

By February 28, 2023 at 7:00pm:

- a. Each party shall upload any cross-examination exhibits to the ETI file-sharing site. The parties shall deliver to Kennedy Reporting and upload the exhibits to the file-sharing site no later than 7:00 p.m. on February 28, 2022, or, if reasonably anticipated, within two hours before being offered. Updated exhibit lists shall be uploaded to the file-sharing site at the same time a party uploads its additional exhibits, if there are additional cross-examination exhibits.

Based on the preceding, ETI respectfully requests that the presiding officers adopt the above agreed upon dates and pre-hearing procedures.

Respectfully submitted,



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**ATTORNEYS FOR ENTERGY TEXAS,
INC.**

CERTIFICATE OF SERVICE

I hereby certify that on the 24th 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 'George Hoyt', written over a horizontal line.

George Hoyt