



Filing Receipt

Received - 2022-08-10 05:19:24 PM
Control Number - 53719
ItemNumber - 49

**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 SECOND 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 Second 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 PURA § 33.053(b).

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

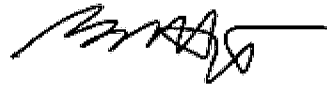
III. CONCLUSION

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: August 10, 2022

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 10th day of August 2022, 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
July 11, 2022	Calvert
July 28, 2022	Woodloch
August 2, 2022	Nome
August 2, 2022	Riverside
August 8, 2022	Woodville
August 8, 2022	Lumberton

EXHIBIT B
CITY ORDINANCES

ORDINANCE NO. 2022 - 001

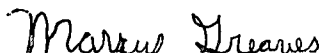
AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF CALVERT, TEXAS, (or "City") declining to approve the change in rates requested in Entergy Texas, Inc.'s ("ETI" or "Company") Statement of Intent filed with the City on July 1, 2022, AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE WAS 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 CALVERT, 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 11TH day of July, 2022/



Marcus Greaves, Mayor

ATTEST:



Rose Ann Jones, City Secretary



ORDINANCE NO. 22-1268

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF LUMBERTON, 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 LUMBERTON, 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 8th day of August, 2022.



Don Surratt, Mayor

ATTEST:



Susan Collins, City Secretary

ORDINANCE NO. _____

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF Nome, 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 Nome, 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 2nd day of August, 2022.

Kerry Ibney
"Name," Mayor

ATTEST:

Angel Cook
"NAME," City Secretary (or "title")

ORDINANCE NO. 08-2022

AN ORDINANCE BY THE CITY COUNCIL OF THE "CITY OF RIVERSIDE", TEXAS, 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");

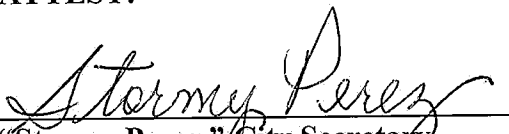
WHEREAS, the City has duly noticed its consideration of the Company's Statement of Intent and is acting within its authority under applicable law;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF _
The City of Riverside, 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 2nd, day of August 2022.


"John LeMaire," Mayor

ATTEST:


"Stormy Perez," City Secretary

ORDINANCE NO. 07282022-2

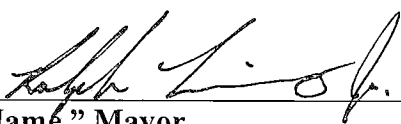
AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF Town of Woodloch, TEXAS, (or "City") declining to approve the change in rates requested in Entergy Texas, Inc.'s ("ETI" or "Company") Statement of Intent filed with the City on July 1, 2022, AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE 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 TOWN OF WOODLOCH 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 28th day of July, 2022.



"Name," Mayor

ATTEST:

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

ORDINANCE NO. 20220808-1

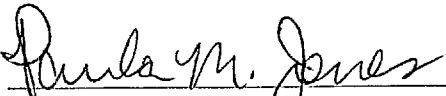
AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF WOODVILLE, TEXAS, (or "City") declining to approve the change in rates requested in Entergy Texas, Inc.'s ("ETI" or "Company") Statement of Intent filed with the City on July 1, 2022, AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE 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 WOODVILLE, 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 8th DAY OF AUGUST, 2022.



Paula M. Jones, Mayor



Terri Bible, City Secretary