



## **Filing Receipt**

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**Item Number - 515**

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

<b>ENTERGY TEXAS, INC.’S</b>	<b>§</b>	<b>BEFORE THE</b>
<b>STATEMENT OF INTENT AND</b>	<b>§</b>	
<b>APPLICATION FOR AUTHORITY</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>TO CHANGE RATES</b>	<b>§</b>	
	<b>§</b>	<b>OF TEXAS</b>

**ENTERGY TEXAS, INC.’S EIGHTEENTH 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 refiles and resubmits its Eighteenth Petition for Review of Municipal Ordinances, appealing the decisions adopted by the cities of Oak Ridge North and Shepherd to deny ETI’s Statement of Intent and Application for Authority to Change Rates for decision. ETI also moves to consolidate this appeal with the above-captioned proceeding. This Petition is timely because it is was originally 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. RELEVANT PROCEDURAL BACKGROUND**

On March 3, 2023, while this proceeding was pending before the State Office of Administrative Hearings (“SOAH”), ETI filed its Eighteenth Petition for Review of Municipal Ordinances and Motion to Consolidate (“Eighteenth Petition and Motion”). On May 18, 2023, following the filing of the stipulation and settlement of the parties, SOAH Order No. 20 dismissed this case from the SOAH docket and remanded it to the Commission, except for Issue Nos. 68 and 69 from the Preliminary Order, which will be addressed in a Proposal for Decision.<sup>3</sup> On May 31, 2023, the Office of Policy and Docket Management (“OPDM”) issued a memorandum noting that the procedural record did not include a ruling on ETI’s Eighteenth Petition and Motion. ETI concurred with OPDM’s observation and filed a request for a ruling from the SOAH Administrative Law Judges (“ALJs”) on the Eighteenth Petition and Motion.<sup>4</sup> However, on June

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<sup>1</sup> Public Utility Regulatory Act, Tex. Util. Code §§ 11.001-66.016 (“PURA”).

<sup>2</sup> PURA § 33.053(b).

<sup>3</sup> SOAH Order No. 20 (May 18, 2023) (Interchange Item No. 510).

<sup>4</sup> ETI’s Request for a Ruling on Eighteenth Petition for Review of Municipal Ordinances and Motion to Consolidate (June 1, 2023) (Interchange Item No. 513).

1, 2023, SOAH issued a letter to the parties in this proceeding stating the ALJs' understanding that SOAH no longer has jurisdiction to act on the pending petition for review and motion to consolidate.<sup>5</sup> Therefore, ETI is refiling this appeal and motion to consolidate with the Commission.

## **II. 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.

## **III. PETITION 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.

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>6</sup>

All of the municipalities in the ETI's Texas service area have now denied ETI's Application, and ETI has now filed a petition for review of each of those municipal actions. Therefore, this is the last petition for review ETI plans to file in this docket.

## **IV. 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.

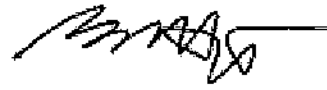
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<sup>5</sup> SOAH Letter to the Parties regarding ETI's Request to Consolidate Pending Appeal (June 1, 2023) (Interchange Item No. 514).

<sup>6</sup> See 16 Tex. Admin. Code § 22.34(a).

Dated: June 5, 2023

Respectfully submitted,



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ATTORNEYS FOR ENTERGY TEXAS, INC

**CERTIFICATE OF SERVICE**

I hereby certify that on the 5th day of June 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>
February 13, 2023	Oak Ridge North
February 13, 2023	Shepherd

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



## ORDINANCE NO. 03-2023

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF OAK RIDGE NORTH, 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 OAK RIDGE NORTH, 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 FEBRUARY 2023.**

  
Paul Bond, Mayor

**ATTEST:**



Elizabeth Harrell, City Secretary



## ORDINANCE NO. 344

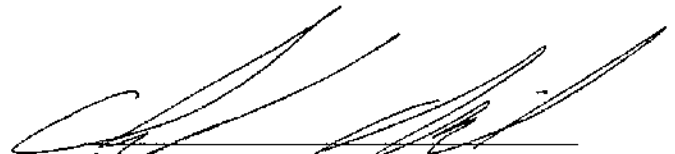
**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SHEPHERD TEXAS, (or "City") declining to approve the change in rates requested in Entergy Texas, Inc.'s ("ETI" or "Company") Statement of Intent filed with the City on July 1, 2022, AND FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE 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 SHEPHERD 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 13th day of February 2023**

  
Charles Minton, Mayor

**ATTEST:**

  
Debra Hagler, City Secretary