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

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

**MOTION TO INTERVENE AND REQUEST FOR CLARIFICATION OF
FEDERAL EXECUTIVE AGENCIES**

The United States Department of Energy (“DOE”), on behalf of itself and all other affected Federal Executive Agencies (“FEA”), and pursuant to the Public Utility Regulatory Act (Tex. Util. Code Ann. § 11.001 *et seq.*) and Sections 22.102, 22.103(b), and 22.104 of the Rules of Practice and Procedure (“Commission Procedural Rules”) of the Public Utility Commission of Texas (“Commission”), files this Motion to Intervene in the above-referenced proceeding. In support, FEA respectfully states as follows:

1. On July 1, 2022, Entergy Texas, Inc. (“ETI”) filed an application for authority to change rates with the Commission. ETI is requesting approval of a total non-fuel retail amount of approximately \$1.2 billion per year, an increase of \$131.4 million.
2. ETI serves DOE’s Strategic Petroleum Reserve located in Big Hill, Texas, which will be impacted by any determination the Commission may make regarding ETI’s application. Therefore, FEA has a direct and substantial interest in this proceeding that may be adversely affected by the outcome of the proceeding and that would not be adequately represented by another party.
3. DOE has been delegated responsibility by the United States General Services Administration pursuant to Section 210(a)(4) of the Federal Property Management and

Administrative Services Act of 1949, as amended (40 U.S.C. § 501(c)), to represent the customer interests of the FEA in regulatory proceedings such as this case.

4. FEA will accept and abide by any existing procedural schedule in this matter.
5. Pursuant to Commission Procedural Rule § 22.101(a), the undersigned attorney, Peter Meier, is appearing as the authorized representative of DOE and FEA. Mr. Meier is admitted to practice and in good standing before the courts in the District of Columbia and the State of Maryland. Mr. Meier is not under suspension or disbarment by any court. Mr. Meier is an employee of DOE whose responsibilities include representing DOE and the FEA where DOE has been delegated responsibility as the lead Federal agency in a state regulatory proceeding. Commission Procedural Rule § 22.101(a) indicates that any natural person may serve as a representative of a party and does not require a party to be represented by an attorney. The undersigned counsel understands this rule to permit a non-attorney to serve as a representative of a party and therefore relieves the requirement for an attorney representing DOE and the FEA to seek to be admitted as a non-resident attorney *pro hac vice*. The State Office of Administrative Hearings has previously granted authorized representatives of FEA and other parties a waiver of the *pro hac vice* requirement on this basis. *See, e.g., Application of El Paso Electric Company to Change Rates*, PUC Docket No. 52195, *SOAH Order No. 4 Granting Motions to Intervene* (August 23, 2021) (waiving *pro hac vice* requirement for the Department of Defense requested in *The United States Department of Defense and All Other Federal Executive Agencies Motion to Intervene and Request for Clarification* (August 11, 2021)); and *Application of Oncor Electric Delivery Company LLC for Authority to Change Rates*, PUC Docket No. 53601, *SOAH Order No. 2 Memorializing Prehearing Conference; Addressing Motions to*

Intervene and for Admission Pro Hac Vice; Consolidating Municipal Appeals; Finding Application and Notice Sufficient; Adopting Procedural Schedule; Setting Hearings, at 2 (June 15, 2022) (waiving *pro hac vice* requirement for the Department of Defense and Rayburn Country Electric Cooperative, Inc. as requested at a prehearing conference).

6. The following persons are designated to receive service in this matter:

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For the above stated reasons, FEA respectfully requests that the Commission grant this motion to intervene, afford FEA intervenor status as a party of record, and allow it to participate for all purposes in this proceeding. FEA further requests clarification that the undersigned counsel is permitted to serve as the authorized representative of DOE and the FEA under Commission Procedural Rule § 22.101(a) as a non-resident attorney.

Respectfully Submitted,

/s/ Peter Meier
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Date: August 11, 2022

CERTIFICATE OF SERVICE

I, Peter Meier, Attorney for the United States Department of Energy, hereby certify that a copy of the Motion to Intervene and Request for Clarification of Federal Executive Agencies was served on parties of record in this proceeding on August 11, 2022 by facsimile, First Class Mail, or electronic mail.

/s/ Peter Meier

Peter Meier