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

APPLICATION OF ENTERGY TEXAS, INC. FOR AUTHORITY TO CHANGE RATES	§ § § § §	BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS
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SIERRA CLUB’S MOTION FOR LEAVE TO INTERVENE

Under Section 22.104 of the Procedural Rules of the Public Utility Commission of Texas (the “Commission” or “PUC”), Sierra Club moves for leave to intervene in the above-captioned proceeding regarding the Application of Entergy Texas, Inc. (“Entergy” or the “Company”) for Authority to Change Rates.

In support of this motion, Sierra Club states as follows:

1. The names and contact information for Sierra Club’s authorized representatives:

Joshua Smith
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2. Sierra Club is a national, non-profit environmental and conservation organization with chapters in every state in the country. Sierra Club is dedicated to the protection of public health and the environment. Sierra Club moves to intervene in this proceeding on behalf of itself and its 29,135 Sierra Club members who live and purchase utility services in Texas, many of whom are residential customers of Entergy Texas.

3. In this proceeding, in accordance with the Public Utility Regulatory Act and 16 TAC § 25.248, Entergy seeks approval to change electricity rates and a base rate increase of \$131.4 million, or 11.2% on average across all customer classes compared to current adjusted retail base rate and rider revenues.¹ The Application is based on a 12-month test year ending December 31, 2021. ETI requests inclusion in rate base of capital additions closed to plant in the period of January 1, 2018, through the end of the Test Year.²

4. Entergy's proposes to increase rates, in part, to recovering a return of and on its \$703 million capital investment in Montgomery County Power Station as of January 1, 2021, as well as approximately \$155.8 million in capital costs additions the Company made at its other fossil generation facilities, including the R.S. Nelson and Big Cajun II power plants,³ which the Company now intends to retire early.⁴ The Company also seeks recovery of fixed and operations and maintenance costs associated with the continued operation of its fossil fuel generation units, including R.S. Nelson and Big Cajun II.⁵ Although the impact of the rate change will vary depending on customer class, most residential customers, which include Sierra Club members, will see electric rate increases of approximately 9.84% if the Commission approves the Company's application.⁶

5. Sierra Club seeks to participate in this proceeding in order to protect its justiciable organizational interests, as well as the interests of its members who are customers of Entergy, and will be directly affected—in the form of increased electricity rates—by any

¹ PUCT Docket No. 53719, Entergy Texas Statement of Intent and Application at 1-2 [hereinafter, "Application"].

² *Id.* at 2.

³ PUCT Docket No. 53719, Direct Testimony of Beverley Gale at 17.

⁴ Application at 3.

⁵ Direct Testimony of Beverley Gale at 26-27.

⁶ Application, Attach. B.

Commission order approving Entergy's proposal to recover nearly \$1 billion in capital, fixed, operations and maintenance costs at its fossil-fuel burning generation facilities.

6. Specifically, Sierra Club seeks to participate in this proceeding in order to protect its justiciable and administratively cognizable interests in ensuring that Entergy's capital and operational costs during the Test Year were prudent and reasonably necessary to provide affordable, reliable service. Sierra Club also seeks to intervene on behalf of its own organizational environmental interests and those of its members who live, work, and recreate in and around the power plants for which Entergy seeks recovery of costs, and who are therefore adversely affected by continued pollution from the Company's increased operation of the plants (in addition to the adverse financial impacts suffered by ratepayers as a result of plants' potential uneconomic over-operation).

7. In this docket, Sierra Club will investigate Entergy's capital investments and resource planning decisions at its fossil fuel power plants, its planned retirement of those sources, and the Company's operational and energy market commitment decisions for its coal-burning generation units during the Test Year. Sierra Club may also offer expert testimonial analysis and recommendations regarding the prudence of those investments, the economics of Entergy's fossil fuel resources, and whether the Commission should approve the Company's proposal to increase customer electric rates to pay for the continued operation of those generating units. Sierra Club may advance other positions as it reviews the Company's filing in more detail and conducts discovery in this proceeding.

8. Sierra Club seeks full intervention in order to ensure that its interests in assuring reasonable investment, operational, and energy market decisions at Entergy's fossil fuel power plants are fully represented. Sierra Club has participated in numerous Commission proceedings to advance its interests in affordable clean energy, including dockets addressing Entergy's request for a

Certificate of Convenience and Necessity to construct the Orange County Advanced Power Station,⁷ as well as other jurisdictional utilities' requests to recover capital investments at its fossil fuel generation units.⁸ In addition, Sierra Club members, who include Entergy's residential electric customers, have a substantial interest in seeing the Company meet its electric service obligations in a way that is lower-cost, less polluting, and that adequately balances risks between electric customers and utility shareholders.

9. No other party to this docket adequately represents those unique institutional and policy interests, and Sierra Club has the experience and expertise to assist the Commission in evaluating those issues. Moreover, Sierra Club's members have a unique interest in avoiding imprudent operational expenditures at coal-burning power plants, thereby reducing energy costs and pollution.

10. Sierra Club's participation will not delay the proceedings or prejudice any party. In accordance with the State Office of Administrative Hearing Office's Order Memorializing Prehearing Conference; Adopting Procedural Schedule; and Setting a Hearing on the Merits, this motion is being filed by the Commission's August 15, 2022 deadline for intervention. The motion is therefore timely.

11. Sierra Club's authorized representatives in this matter are:

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Tele: 415-977-5560

⁷ *In re: Application of Entergy Texas, Inc., to Amend its Certificate of Convenience and Necessity to Construct Orange County Advanced Power Station*, PUC Docket No. 52487.

⁸ *See, e.g., In re: Application of Southwestern Electric Power Company for Authority to Change Rates*, PUC Docket No. 51415; *In re: Application of Southwestern Electric Power Company for Authority to Reconcile Fuel Costs*, PUC Docket No. 50997; *In re: Application of Southwestern Electric Power Company for Authority to Change Rates*, PUC Docket No. 46449; *In re: Application of Southwestern Electric Power Company for Authority to Change Rates and to Reconcile Fuel and Purchased Power Costs for the Period July 1, 2012 through June 30, 2012*, PUC Docket No. 42004.

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12. Joshua Smith and Tony Mendoza ask to be included on the service list in this proceeding.

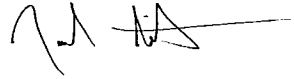
13. Section 22.103(b) of the Commission's Procedural Rules requires associational intervenors to disclose the membership being represented through the intervention. Sierra Club has numerous members who are Entergy residential customers. John Beard, is a residential customer of Entergy and an individual member of Sierra Club. As an Entergy ratepayer, Mr. Beard will be adversely affected by any order approving Entergy's application to increase residential retail rates. Sierra Club seeks to intervene in this proceeding in its representational capacity, on behalf of its many individual members, including John Beard, who live and purchase utilities services from Entergy.⁹

WHEREFORE, Sierra Club respectfully requests that the Commission grant its motion to intervene as a full party of record and allow it to participate fully in this docket, and to be furnished copies of all pleadings, orders, notices, discovery requests, responses (including documents produced in response to discovery requests), objections to discovery and other documents).

⁹ Sierra Club recognizes that Section 22.103(b) of the Commission's Procedural Rules requires associational intervenors to disclose all members, on whose behalf it is seeking to intervene. Sierra Club has numerous members who are Entergy residential customers. To protect the privacy and associational freedom of its individual members, however, Sierra Club does not disclose its membership list in public proceedings unless specifically compelled to do so.

Dated this 15th day of August, 2022.

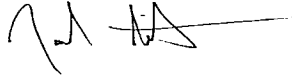
Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Joshua Smith', with a horizontal line extending to the right.

Joshua Smith
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CERTIFICATE OF SERVICE

I, Joshua Smith, certify that a copy of the foregoing Sierra Club submission was served upon all parties of record in this proceeding on August 15, 2022, by electronic mail, as permitted by the presiding officer.

A handwritten signature in black ink, appearing to read 'Joshua Smith', with a horizontal line extending to the right.

Joshua Smith
Sierra Club Environmental Law Program