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**SOAH DOCKET NO. 473-24-04312
PUC DOCKET NO. 54614**

APPLICATION OF EL PASO	§	BEFORE THE STATE OFFICE
ELECTRIC COMPANY FOR	§	
APPROVAL OF ITS ELECTRIC	§	OF
VEHICLE-READY PILOT PROGRAMS	§	
AND TARIFFS	§	ADMINISTRATIVE HEARINGS

**OFFICE OF PUBLIC UTILITY COUNSEL’S
PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND ORDERING PARAGRAPHS**

TO THE HONORABLE ADMINISTRATIVE LAW JUDGES:

Pursuant to your request, the Office of Public Utility Counsel (“OPUC”), representing the interests of residential and small commercial consumers in Texas, respectfully offers the following Findings of Fact, Conclusions of Law, and Ordering Paragraphs for your consideration. These proposed findings and conclusions are not exhaustive, but each one presented below should be included in the Proposal for Decision’s findings of fact, conclusions of law, and ordering paragraphs:

PROPOSED FINDINGS OF FACT

1. In order to protect non-participating customers from being required to subsidize costs associated with the EV Smart Rewards Pilot Program, the revised tariff shall terminate at the earlier of two years or the effective date of new base rates, whichever occurs first, unless the Commission approves extending the program in EPE’s next base rate case or other future proceeding.
2. EPE should establish service under Whole House EV Pilot Incentive Credit Rider as a separate rate class in EPE’s future base rate cases and separately design rates for service under this rate to ensure non-participating customers will not subsidize this rate.

3. EPE should establish service under the TakeCharge TX Pilot Program as a separate rate class in EPE's future base rate cases and separately design rates for service under this rate to ensure non-participating customers will not subsidize this rate.
4. EPE's proposed PowerConnect Pilot Program tariff credits are not cost-justified and are therefore inconsistent with the statute and rule requiring all rates to be just and reasonable; not prejudicial, discriminatory or unreasonably preferential.
5. If the Commission determines that EPE's proposed TakeCharge TX Pilot Program could not function effectively under the limited flexibility of a tariffed rate, the Commission should ensure that non-participating customers will not bear any of the direct costs and that participants must bear a reasonable allocation of indirect and overhead costs incurred to develop, offer, market, and administer this program.
6. Participants in the proposed programs should bear the cost of the rate case expenses related to the Company's filing for approval of these proposed, voluntary programs.

PROPOSED CONCLUSIONS OF LAW

1. The PowerConnect Pilot Program as proposed is unreasonably preferential, prejudicial, or discriminatory under PURA § 36.003(b).
2. The PowerConnect Pilot Program does not comply with PURA § 42.0103(d) as proposed.

PROPOSED ORDERING PARAGRAPHS

1. EPE shall develop cost-based incentives and submit another filing requesting approval for the EV Smart Rewards Pilot Program tariff.
7. EPE shall establish service under Whole House EV Pilot Incentive Credit Rider as a separate rate class in EPE's future base rate cases and separately design rates for service under this rate.
8. EV Smart Rewards Pilot Program tariff shall terminate at the earlier of two years or the effective date of new base rates, whichever occurs first, unless the Commission approves extending the program in EPE's next base rate case or other future proceeding.
3. EPE shall establish service under TakeCharge TX Pilot Program as a separate rate class in EPE's future base rate cases and separately design rates for service under this rate.

4. EPE's proposed PowerConnect Pilot Program is rejected.
5. Non-participating customers shall bear no direct costs associated with any of the proposed pilot programs.
6. Participants must bear a reasonable allocation of indirect and overhead costs incurred to develop, offer, market, and administer any and all of the proposed pilot programs.

Date: May 2, 2024

Respectfully submitted,

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ATTORNEYS FOR THE
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CERTIFICATE OF SERVICE
SOAH DOCKET NO. 473-24-04312
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I hereby certify that a copy of the foregoing document was served on all parties of record in this proceeding on this 2nd day of May 2024 by facsimile, electronic mail, and/or first class, U.S. Mail.

Renee Wiersema

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