



Filing Receipt

Filing Date - 2023-11-17 03:29:56 PM

Control Number - 54674

Item Number - 48

State Office of Administrative Hearings

Kristofer S. Monson
Chief Administrative Law Judge

November 17, 2023

Shelah Cisneros, Commission Counsel
Commission Advising and Docket Management
William B. Travis State Office Building
1701 N. Congress, 7th Floor
Austin, Texas 78701

VIA EFILE TEXAS

RE: Docket Number 473-23-12836; PUC Docket No. 54674; *Application of Entergy Texas, Inc. to Revise Fixed Fuel Factor (Schedule FF) in Compliance with Order In Docket No. 32915*

Dear Ms. Cisneros:

On September 15, 2023, the undersigned Administrative Law Judge (ALJ) issued a Proposal for Decision (PFD) in this case. Exceptions to the PFD were filed on October 6, 2023, by Entergy Texas, Inc (ETI), staff (Staff) of the Public Utility Commission of Texas (Commission), and the Office of Public Utility Counsel (OPUC). ETI filed replies to the exceptions on October 13, 2023, as did Staff and OPUC, jointly. The exceptions raised by Staff and OPUC are arguments that were fully considered by the ALJ and discussed in the PFD and are not addressed again here. However, ETI identified errors in the PFD that should be corrected as provided below. Specifically, the ALJ recommends that Finding of Fact No. 26 be deleted, and that the following changes be made to the following paragraph located on page 17 of the PFD:

While Order 40654 does not represent binding precedent as to the appropriateness of any principle that may underlie the Stipulation, the ALJ finds that the line loss factors ETI used to adjust its proposed FF Factors are appropriate and reasonable. ETI admitted that, under the conditions of the Stipulation, it should have used loss factors based on

a study that included data from the calendar year 2020~~2~~ in this proceeding. However, as Staff witness Celino explained, ETI's loss study~~ies~~ was ~~were~~ delayed and therefore the loss study used in this case included six months of data from 2020 and six months from 2021. This loss study was uncontested by the parties in ETI's most recent rate case, which included OPUC and Staff, and was ultimately approved by the Commission. While the study is not as current as contemplated in the Stipulation, the data is more recent and more reflective of ETI's system than the data included in the 2016 Line Loss Study. Additionally, no evidence was offered to prove or even suggest that recalculating the proposed FF Factor using loss factors based on ETI's outdated 2016 Line Loss Study would produce a reasonable or appropriate result. Therefore, the ALJ concludes OPUC's and Staff's position that would necessitate such a recalculation is unwarranted.

Accordingly, with those corrections, the PFD is ready for the Commission's consideration.

ALJ Signature(s):

A handwritten signature in black ink, reading "Meaghan Bailey", written over a horizontal line.

Meaghan Bailey,
Presiding Administrative Law Judge

CC: Service List