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

<b>APPLICATION OF ENTERGY TEXAS, INC. FOR AUTHORITY TO CHANGE RATES</b>	<b>§ § §</b>	<b>PUBLIC UTILITY COMMISSION  OF TEXAS</b>
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**OFFICE OF PUBLIC UTILITY COUNSEL'S  
EXCEPTIONS TO THE PROPOSAL FOR DECISION**

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**July 12, 2023**

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**OFFICE OF PUBLIC UTILITY COUNSEL’S  
EXCEPTIONS TO THE PROPOSAL FOR DECISION**

The Office of Public Utility Counsel (“OPUC”), representing the interests of residential and small commercial consumers in Texas, respectfully submits these exceptions to the proposal for decision (“PFD”) issued by the State Office of Administrative Hearings (“SOAH”) administrative law judges (“ALJs”) in this proceeding on June 19, 2023.<sup>1</sup> While OPUC does not agree with every position taken by the ALJs in analyzing these issues, OPUC is not filing exceptions on each issue in which its position was not adopted in the PFD.

**INTRODUCTION**

The PFD correctly rejects Entergy Texas, Inc.’s (“ETI”) Transportation Electrification and Charging Demand Adjustment (“TECDA-1”) Rider<sup>2</sup> as recommended by OPUC<sup>3</sup> and Staff of the Public Utility Commission of Texas (“Commission Staff”),<sup>4</sup> but concludes that “[i]f the Commission determines it is appropriate for ETI to own [transportation electrification (“TE”)] and

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<sup>1</sup> Proposal for Decision (Jun. 19, 2023).

<sup>2</sup> *Id.* at 36.

<sup>3</sup> *Id.* at 33.

<sup>4</sup> *Id.*

charging infrastructure, including charging stations, ETI's proposed [Transportation Electrification and Charging Infrastructure (“TECI-1”)] Rider should be approved.”<sup>5</sup>

OPUC’s exceptions are limited to the recommendations made by the ALJs relating to the appropriateness of ETI’s TECI-1 Rider to establish rates for recovery of costs for TE charging infrastructure and equipment. For the reasons discussed below, OPUC requests that the Commission issue an order in this proceeding consistent with OPUC’s exceptions.

#### **IV. Vertically Integrated Electric Utility Ownership of TE and Charging Infrastructure**

##### **1. TECI-1 Rider**

OPUC appreciates the considerations of the ALJs regarding the increased risk if a TE customer defaults,<sup>6</sup> however OPUC would like to clarify that its concern raised in Mr. Evan Evans’s Direct Testimony is not about ETI bearing increased risks, but rather other customers bearing the risk of unrecovered costs if TE customers default.<sup>7</sup> If the Commission determines it is prudent to approve the TECI-1 Rider, OPUC would reurge the Commission to include protections against the unrecovered costs from defaulting customers being borne by other electric service customers.<sup>8</sup>

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<sup>5</sup> *Id.* at 46.

<sup>6</sup> *Id.* at 31.

<sup>7</sup> Direct Testimony and Workpapers of Evan D. Evans at 27:17-26 (Oct. 26, 2022) (Evans Direct); Cross-Rebuttal Testimony of Evan D. Evans at 6:1-5 (Nov. 16, 2022).

<sup>8</sup> Office of Public Utility Counsel’s Post-Hearing Initial Brief on Preliminary Order Issues Nos. 68 and 69 at 5 (Jan. 13, 2023). (OPUC Post-Hearing Initial Brief); Office of Public Utility Counsel’s Post-Hearing Reply Brief on Preliminary Order Issues Nos. 68 and 69 at 5 (Jan. 27, 2023). (OPUC Post-Hearing Reply Brief).

Additionally, the PFD does not address OPUC's position on rate case expenses. As discussed in Mr. Evans's Direct Testimony,<sup>9</sup> OPUC's Post-Hearing Initial Brief,<sup>10</sup> and OPUC's Post-Hearing Reply Brief,<sup>11</sup> it is OPUC's position that all rate case expenses relative to the TECI-1 and TECDA Riders should be separated out and not allocated to Residential Service or other customer classes for which these riders are not applicable. Therefore, since no other party objected to or rebutted OPUC's position on this rate case issue, OPUC urges the Commission to include protections against the rate case expenses pertaining to these riders being borne by other electric service customers who do not benefit from these riders.

### **CONCLUSION**

For the reasons stated herein, OPUC respectfully requests that the Commission modify the PFD to include findings of fact and conclusions of law consistent with these exceptions and that OPUC be granted any other relief to which it may be entitled.

Date: July 12, 2023

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<sup>9</sup> Evans Direct at 36:6-9.

<sup>10</sup> OPUC Post-Hearing Initial Brief at 6 (Jan. 13, 2023).

<sup>11</sup> OPUC Post-Hearing Reply Brief at 3 (Jan. 27, 2023).

Respectfully submitted,

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**CERTIFICATE OF SERVICE**  
SOAH DOCKET NO. 473-22-04394  
PUC DOCKET NO. 53719

I hereby certify that a copy of the foregoing document was served on all parties of record in this proceeding on this 12<sup>th</sup> Day of July, 2023 by facsimile, electronic mail, and/or first class, U.S. Mail.



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Renee Wiersema