



Filing Receipt

Filing Date - 2023-11-06 02:47:56 PM

Control Number - 55338

Item Number - 38

DOCKET NO. 55338

PROCEEDING TO RESOLVE ISSUES	§	PUBLIC UTILITY COMMISSION
IN DOCKET NO. 53719 RELATED TO	§	
TRANSPORTATION	§	
ELECTRIFICATION AND	§	
CHARGING INFRASTRUCTURE	§	OF TEXAS

ENTERGY TEXAS, INC.'S PROPOSED LIST OF ISSUES

On October 17, 2023, Commission Counsel issued an Order Requesting Lists of Issues, requiring responses by November 6, 2023. Pursuant to that order, Entergy Texas, Inc. (“ETI”) provides the following list of issues.

I. Introduction

On July 1, 2022, ETI filed a comprehensive application for authority to change base rates and tariffs.¹ Included in that filing was a request to implement two new riders, the Transportation Electrification and Charging Infrastructure (“TECI”) and Transportation Electrification and Charging Demand Adjustment (“TECDA”) riders, which, if approved, will facilitate the proliferation of transportation electrification (“TE”) infrastructure in ETI’s service territory. Interested parties engaged in months of discovery, filed testimony, offered evidence, and fully briefed the issues that (at the time) pertained to whether the TECI and TECDA riders should be approved.

Prior to the issuance of the State Office of Administrative Hearings (“SOAH”) Proposal for Decision (“PFD”), the 88th Texas Legislature enacted Senate Bill (“SB”) 1002, which clarified the role of electric utilities in the development of the electric vehicle (“EV”) charging market. The Commission severed certain issues from ETI’s base rate case into this docket to obtain evidence and briefing on the issue of whether the TECI and TECDA Riders comply with SB 1002.² The Order Severing Issues (1) required the transfer of all previously admitted

¹ *Application of Entergy Texas, Inc. for Authority to Change Rates*, Docket No. 53719 (July 1, 2022).

² Order Severing Issues at 3 (Aug. 16, 2023).

evidence related to the TE riders, the SOAH PFD, and exceptions and replies, into this docket, (2) required ETI to refile tariffs reflecting any proposed revisions, and (3) requires the adoption of a procedural schedule that “allows the parties to respond” to ETI’s revisions.³

While the Commission severed Preliminary Order Issues No. 68 and 69 from Docket No. 53719 into this docket “to conclude litigation of these contested issues,” the bulk of the litigation on these issues is complete. The Docket No. 53719 Preliminary Order included Issue Nos. 68 and 69, the parties filed testimony, exhibits, and briefing addressing them, and the Commission’s Order Severing Issues transferred all of that evidence to this proceeding.⁴ Accordingly, ETI’s understanding is that the Commission does not intend to have the parties re-litigate issues that were ripe for litigation *prior* to SB 1002, but instead, to have the parties address any issues prompted by SB 1002 and the compliance of ETI’s proposed Riders (and any proposed modification thereto) with that legislation. Thus, in accordance with the Commission’s order, ETI filed a slightly revised TECI Rider and ten pages of supplemental testimony describing the revisions and the Rider’s compliance with SB 1002. The TECDA rider is unchanged from the tariff that was proposed and fully litigated in Docket No. 53719. As such, in the interest of judicial economy and the preservation of administrative and the parties’ resources, ETI requests that the scope of litigation be limited to “adjudicat[ing] Entergy Texas’s proposed riders under the new legislation”⁵

II. Proposed List of Issues

Pursuant to the Order Severing Issues, ETI proposes the following issues, which were included in Docket No. 53719 as Preliminary Order Issues No. 68 and 69, respectively:

Is it appropriate for an electric utility in a vertically integrated area to own vehicle-charging facilities or other transportation electrification and charging infrastructure, or should the ownership of such facilities be left to competitive providers?

Should Entergy be allowed to own transportation electrification and charging infrastructure—including vehicle-charging facilities—in the manner it has

³ *Id.* at 4.

⁴ *Id.* at 3.

⁵ *Id.* at 3.

proposed in its application, or should such ownership be wholly left to customers or third parties?⁶

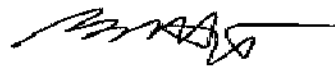
In addition, ETI proposes the following issue:

Does ETI's proposed TECI Rider and proposed TECDA Rider comply with recently enacted SB 1002, codified at Tex. Util. Code § 42.0101, *et seq.* (eff. Sep. 1, 2023)?

III. Conclusion

For the reasons discussed above, ETI requests that the issues identified above be included in any Preliminary Order issued by the Commission in this matter, and that additional litigation be limited to adjudicating the third issue set forth above.

Respectfully submitted,



George G. Hoyt, SBN: 24049270
Laura B. Kennedy
Entergy Services, LLC
919 Congress Avenue, Suite 701
Austin, Texas 78701
(512) 487-3945
(512) 487-3958 (fax)
ghoyt90@entergy.com
lkenn95@entergy.com

Lino Mendiola III
Michael Boldt
Cathy Garza
EVERSHEDS SUTHERLAND (US) LLP
600 Congress Avenue, Suite 2000
Austin, Texas 78701
(512) 721-2700
(512) 721-2656 (fax)
linomendiola@eversheds-sutherland.com
michaelboldt@eversheds-sutherland.com
cathygarza@eversheds-sutherland.com

ATTORNEYS FOR ENTERGY TEXAS, INC.

⁶ Docket No. 53719, Preliminary Order Question Nos. 68-69 (Aug. 4, 2022).

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing the foregoing instrument was served by electronic delivery on all parties of record in this proceeding on November 6, 2023.

