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**SOAH DOCKET NO. 473-24-07154
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PROCEEDING TO RESOLVE	§	
ISSUES IN DOCKET NO. 53719	§	BEFORE THE STATE OFFICE
RELATED TO TRANSPORTATION	§	OF
ELECTRIFICATION AND	§	ADMINISTRATIVE HEARINGS
CHARGING INFRASTRUCTURE	§	

TEXAS INDUSTRIAL ENERGY CONSUMERS' STATEMENT OF POSITION

Pursuant to 16 T.A.C. § 22.124, Texas Industrial Energy Consumers (TIEC) timely files this statement of position. TIEC takes the position that the Entergy Texas Inc. (ETI) has not shown that its proposed Schedule TECI's treatment of operation and maintenance (O&M) expenses is just and reasonable.¹ ETI's proposal would allow ETI and a customer to agree to rates that "cover" O&M expenses but does not set any parameters to govern how those O&M expenses will be calculated or charged to the customer.² Without any parameters governing those rates, ETI could shift costs from one customer to another. If ETI's proposed Schedule TECI is approved, the Commission should ensure that costs are not shifted.

TIEC also takes the position that ETI has the burden of proof in this proceeding. TIEC is evaluating the issues raised by the parties and reserves the right to participate in the hearing on the merits and to take additional positions based on the evidence.

¹ Public Utility Regulatory Act Sec. 36.003(a) ("The regulatory authority shall ensure that each rate an electric utility or two or more electric utilities jointly make, demand, or receive is just and reasonable.").

² Supplemental Direct Testimony and Exhibits of Samantha F. Hill, Exhibit SFH-S-1, Page 1-2 of 6 (Sept. 20, 2023).

Respectfully submitted,

O'Melveny & Myers LLP

/s/ Benjamin B. Hallmark

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**ATTORNEYS FOR TEXAS INDUSTRIAL
ENERGY CONSUMERS**

CERTIFICATE OF SERVICE

I, Christian E. Rice, Attorney for TIEC, hereby certify that a copy of this document was served on all parties of record in this proceeding on this 2nd day of April, 2024 by facsimile, electronic mail and/or First Class, U.S. Mail, Postage Prepaid.

/s/ Christian E. Rice

Christian E. Rice