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**SOAH DOCKET NO. 473-24-07154
PUC DOCKET NO. 55338**

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

**AMERICANS FOR AFFORDABLE CLEAN ENERGY'S
REPLY BRIEF**

APRIL 25, 2024

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AMERICANS FOR AFFORDABLE CLEAN ENERGY’S REPLY BRIEF

COMES NOW, Americans for Affordable Clean Energy (AACE), and files this Reply Brief in the above-styled and numbered docket. Pursuant to SOAH Order No. 3, this brief is timely filed.¹ In support thereof, AACE shows the following:

I. INTRODUCTION

AACE appreciates the Public Utility Commission of Texas’ (Commission) in-depth assessment of the two Riders proposed by Entergy Texas, Inc. (ETI), the Transportation Electrification and Charging Infrastructure (TECI) Rider and the Transportation Electrification and Charging Demand Adjustment (TECDA) Rider. AACE’s central concern now lies with the expediency of the implementation of an electric utility’s electric vehicle (EV) supportive measures. It is important that as the EV market continues to grow, it is met with continued expansion of transportation electrification infrastructure throughout all areas of Texas. As discussed below, and in AACE’s Initial Brief filed on April 15, 2024, AACE recommends the Commission approve the TECI Rider, with or without the language proposed by Texas Industrial Energy Consumers (TIEC), and the TECDA Rider with the caveat that ETI increases the limitations currently established in the proposed Rider. Approval of the TECI and TECDA Riders would further support the much-needed proliferation of EV charging stations in Texas.

III. CONTESTED ISSUES

TECI RIDER

AACE recognizes TIEC’s concern, and the Office of Public Utility Counsel’s (OPUC) similar concern,² regarding the full recovery of O&M costs related to the Rider and the potential

¹ SOAH Order No. 3 – Adoption Procedural Schedule; Setting Hearing on the Merits; and Adopting Hearing Procedures (Jan. 18, 2024).

² OPUC’s Post-Hearing Initial Brief at 8 (Apr. 15, 2024).

cost shifting that may occur.³ AACE is not opposed to TIEC's proposed language to the TECI Rider: "The agreed-upon fixed amount to cover O&M expenses shall be no less than amount charged to ETI by the O&M vendor. ETI shall ensure that the entirety of any O&M expenses are covered by the Customer."⁴ The additional language to the TECI Rider would ensure that O&M costs related to the Rider are recovered fully through the participating customer and prevent cost shifting.⁵ AACE appreciates the specificity and safeguards against subsidization that the suggested language would implement.

AACE, thus, recommends the Commission approve the TECI Rider, with the additional language proposed by TIEC. If the Commission does not approve of TIEC's proposed language, then AACE maintains its position that the Commission should approve the TECI Rider. AACE further urges the Commission to take Staff's proposed EV base rate class into consideration in future proceedings.⁶ Allowing ETI to own transportation electrification infrastructure and establish an EV base rate class with standard EV rates would mitigate some of the uncertain and high demand charges private investors face, allow the Commission to ensure that all rates are just and reasonable, and certify that no additional costs related to ETI's investment in EV charging infrastructure are being borne by non-EV customers.

However, AACE's primary concern lies with the expediency of approval of a path forward and denying the TECI Rider and ordering ETI to create an EV base rate class would delay the support ETI could provide private businesses from installing and using EV charging stations. It is AACE's belief that the expeditious path forward would be Commission approval of the TECI Rider, with or without TIEC's proposed language, and taking Staff's proposed EV base rate class into consideration in a future proceeding.

TECDA RIDER

As discussed in detail in its initial brief, AACE recommends the approval of the TECDA Rider with the caveat that ETI increase the limitations currently established by the proposed Rider. AACE appreciates the efforts to use limitations to protect non-qualifying TECDA Rider customers from subsidizing costs borne under the Rider, however, an increase in the limitations proposed by

³ Texas Industrial Energy Consumers' Initial Brief at 1-3 (Apr. 15, 2024).

⁴ *Id.* at 3.

⁵ *Id.* at 2-3.

⁶ Supplemental Direct Testimony of William B. Abbott, PUC Staff Exhibit No. 7 at 7.

ETI would allow site hosts full relief from high demand charges faced when investing in EV charging stations.

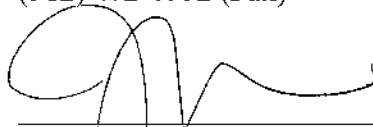
IV. CONCLUSION

AACE respectfully urges the Commission to approve the TECI Rider, with or without the inclusion of TIEC's proposed language, and approve the TECDA with the caveat that ETI increases the limitations currently established in the proposed Rider. AACE further requests any additional relief to which it may be entitled.

Respectfully submitted,

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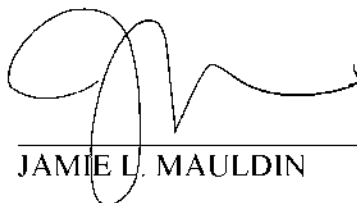
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**ATTORNEYS FOR AMERICANS FOR
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CERTIFICATE OF SERVICE

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on April 25, 2024 in accordance with Project No. 50664.



JAMIE L. MAULDIN