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

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

**OFFICE OF PUBLIC UTILITY COUNSEL’S
PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND ORDERING PARAGRAPHS**

TO THE HONORABLE ADMINISTRATIVE LAW JUDGES:

Pursuant to your request, the Office of Public Utility Counsel (“OPUC”) offers the following Findings of Fact, Conclusions of Law, and Ordering Paragraphs for your consideration. These proposed findings and conclusions are not exhaustive, but each one presented below should be included in the Proposal for Decision’s findings of fact, conclusions of law, and ordering paragraphs:

PROPOSED FINDINGS OF FACT

1. The Transportation Electrification and Charging Infrastructure (“TECI”) rider would allow Entergy Texas, Inc. (“ETI”) to plan, construct, own, operate, and maintain transportation electrification (“TE”) related infrastructure and equipment on customer-owned property.
2. The Transportation Electrification and Charging Demand Adjustment (“TECDA”) rider is designed to reduce electric bill uncertainty caused by low adoption rates and normal utility demand charges for non-residential Rate Schedule General Service (“GS”) customers installing separately metered charging equipment.
3. Appropriate safeguards are needed to ensure ETI’s participation in the competitive markets does not hinder the development and expansion of the competitive market for TE infrastructure and charging equipment or unduly limits a TE site host’s ability to choose their preferred TE infrastructure and charging equipment.

4. Because ETI's TECDA and TECI Riders, as proposed, are unreasonably preferential and discriminatory, inequitable, and grant an unreasonable preference concerning rates to certain persons in a classification, they are neither just nor reasonable and should be rejected.
5. ETI's or any other utility's ventures in competitive markets must not be subsidized by its regulated electric service customers.
6. Regulated electric service customers shall be adequately compensated for use of customer information, systems, personnel, expenses, and investment for which the electric service customers bear the costs through their regulated rates.
7. ETI's costs for all investment, depreciation expense, and other costs associated with the TECI program and promotion of that program are not clearly identifiable, discernable, and separate.
8. ETI must separately identify all costs associated with the TECI program and promotion of that program for evaluation in future rate cases.
9. ETI has failed to provide an estimate of the potential range of impacts the TECI and TECDA Riders could have on non-participating customers within the GS rate class, or any reasonable explanation as to the lack of limitations on the time period in which the TECDA Rider would be available.
10. It is necessary to ensure that appropriate allocations of ETI's overhead costs are assigned to ETI's investment in make-ready TE infrastructure and charging equipment, ETI's activities to market these services, and ETI's operation and maintenance of associated equipment. These overhead costs should include, but not be limited to investment in general and intangible rate base, administrative and general expenses, wages and salaries, property insurance, property taxes, and payroll taxes.
11. It is necessary to ensure that ETI's non-participant retail electric service customers are adequately compensated for the fact that they financially support ETI, which enables ETI to compete from the advantageous position of being the certificated public utility in its service area and possess immense customer information.
12. Adequate steps and procedures must be instituted that fully protect ETI's non-participant retail electric service customers from unreasonably bearing any costs or risks associated with ETI's investment and efforts to provide make-ready TE infrastructure and charging equipment, including protection from the risk of default by TECI-1 customers.

13. It is necessary to ensure the under-recovered demand revenues that result from the application of the billing demand cap in the TECDA-1 Rider will not be borne by other customers.
14. The TECDA-1 Rider load factor based billing demand cap is identified as a discounted rate pursuant to PURA § 36.007(a).

PROPOSED CONCLUSIONS OF LAW

1. The TECI Rider as proposed is unreasonably preferential, prejudicial, or discriminatory and is not sufficient, equitable, or consistent in application to each class of customer under PURA § 36.003(b).
2. The TECI Rider does not comply with PURA § 42.0103(d) as proposed.
3. The TECDA Rider load factor based billing demand cap is a discounted rate pursuant to PURA § 36.007(a).

PROPOSED ORDERING PARAGRAPHS

1. ETI shall maintain a separate accounting for all investment, depreciation expense, and other costs associated with the TECI program and its promotion for consideration in ETI's next base rate case.
1. All rate case expenses related to or associated with the TECI Rider and the TECDA Rider shall be separated and not allocated to Residential Service and other customer classes for which these riders are not applicable.
2. No under-recovered revenues that result from the demand cap in the TECDA rider shall be recovered from other customers.
3. Appropriate allocations of ETI's overhead costs shall be assigned to the TECI program.
4. The overhead costs assigned to TECI shall at least include investment in general and intangible rate base, administrative and general expenses, wages and salaries, property insurance, property taxes, and payroll taxes.
5. ETI's costs associated with activities to market TECI services and ETI's operation and maintenance expenses associated with TECI shall be directly assigned to TECI.

6. The Commission shall ensure that appropriate allocations of ETI's overhead costs are assigned to ETI's investment in make-ready TE infrastructure and charging equipment, ETI's activities to market these services, and ETI's operation and maintenance of associated equipment. These overhead costs should include, but not be limited to investment in general and intangible rate base, administrative and general expenses, wages and salaries, property insurance, property taxes, and payroll taxes.
7. The Commission shall ensure that ETI's non-participant retail electric service customers are adequately compensated for the fact that they financially support ETI, which enables ETI to compete from the advantageous position of being the certificated public utility in its service area and possess immense customer information.

Date: April 25, 2024

Respectfully submitted,

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ATTORNEYS FOR THE
OFFICE OF PUBLIC UTILITY COUNSEL

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 25th day of April 2024 by facsimile, electronic mail, and/or first class, U.S. Mail.

Renee Wiersema

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