



Filing Receipt

Filing Date - 2024-04-25 02:33:04 PM

Control Number - 55338

Item Number - 85

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

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’
PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW**

I. PROPOSED FINDINGS OF FACT

1. Entergy Texas, Inc.’s (ETI) proposed Transportation Electrification and Charging Infrastructure Rider (the Proposed TECI Rider) would require customers taking service under the Proposed TECI Rider to enter into an agreement with ETI and agree to pay ETI an agreed-upon fixed amount to cover operation and maintenance (O&M) expenses.¹
2. The Proposed TECI Rider does not state an exact numerical amount of O&M expenses that a customer will be charged because customers would choose from a variety of O&M packages with different costs.²
3. ETI intends that customers will be charged for the entire cost of O&M expenses that the customer incurs.³
4. The Proposed TECI Rider does not require ETI to charge a customer for the O&M expenses that the customer actually incurs.
5. The Proposed TECI Rider makes it possible for ETI to under-charge O&M expenses for certain customers taking service under the Proposed TECI Rider.
6. It is appropriate to ensure that ETI will not under-charge O&M expenses for certain customers taking service under the Proposed TECI Rider by requiring that the amount charged to a customer is the same amount that ETI is charged by the O&M

¹ ETI Ex. 95, Supplemental Direct Testimony and Exhibits of Samantha F. Hill (Hill Supp. Dir.), Exhibit SFH-S-1 at Bates 000017.

² Tr. at 21:14-19, 23:24-24:2, 25:8-18 (Hill Cross). TIEC Ex. 1, ETI Schedule ALS.

³ Tr. at 21:9-11, 22:8-10, 22:18-19; 24:9-12 (Hill Cross).

vendor that will service that customer, and that ETI shall ensure that the entirety of any O&M expenses are covered by the customer.

7. Section II of the Proposed TECI Rider should be revised as proposed by TIEC, to the extent provided by this Order, by adding the following language: "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."

II. CONCLUSIONS OF LAW

1. The rider approved in this Order, as revised by this order, is just and reasonable.
2. [If proposed finding of fact 7 is not adopted] ETI may not shift O&M costs incurred by a customer participating in the Proposed Rider to any other customer.

Respectfully submitted,

O'MELVENY & MYERS LLP

/s/ Benjamin B. Hallmark

Benjamin B. Hallmark

State Bar No. 24069865

Christian E. Rice

State Bar No. 24122294

303 Colorado St., Suite 2750

Austin, TX 78701

(737) 261-8600

bhallmark@omm.com

crice@omm.com

OMMeservice@omm.com

**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 25th day of April, 2024 by facsimile, electronic mail and/or First Class, U.S. Mail, Postage Prepaid.

/s/ Christian E. Rice
Christian E. Rice