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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

**ENTERGY TEXAS INC.’S PROPOSED FINDINGS OF FACT,
CONCLUSIONS OF LAW, AND ORDERING PARAGRAPHS**

Pursuant to State Office of Administrative Hearings (“SOAH”) Order No. 3, Entergy Texas, Inc. (“ETI”) timely files its proposed Findings of Fact, Conclusions of Law, and Ordering Paragraphs for consideration.

I. Findings of Fact

The Commission makes the following findings of fact.

Applicant

1. Entergy Texas, Inc. (ETI) is a Texas corporation registered with the Texas secretary of state under filing number 800911623.
2. ETI owns and operates for compensation equipment and facilities to generate, transmit, distribute, and sell electricity in Texas.
3. ETI is required under certificate of convenience and necessity (CCN) number 30076 to provide service to the public and to provide retail electric utility service within its certificated service area.

Application

4. On July 1, 2022, ETI filed an application requesting authority to change its Texas retail rates based on a historical test year of January 1, 2021 through December 31, 2021, adjusted for known and measurable changes. The application included a request for approval of new Transportation Electrification and Charging Infrastructure (TECI) and Transportation Electrification and Charging Demand Adjustment (TECDA) Riders.
5. ETI’s application included the direct testimony of 37 witnesses.
6. ETI filed errata to its application on September 16, 2022.

7. At the prehearing conference on July 22, 2022, the State Office of Administrative Hearings (SOAH) Administrative Law Judges (ALJs) found ETI's application sufficient and memorialized that finding in SOAH Order on July 29, 2022.

Effective Date of Proposed Rates

8. ETI proposed an effective date of August 5, 2022.
9. ETI requested that, if the new rates were suspended for a period beyond 155 days after ETI filed its application, then final rates would relate back and be made effective for consumption on and after the 155th day after the rate filing package was filed.
10. In SOAH Order No. 1 issued on July 11, 2022, the SOAH ALJs suspended the effective date of the proposed rates until January 2, 2023.
11. ETI agreed to multiple extensions of the effective date, the final extension ending on July 20, 2023.

Notice of the Application

12. On September 21, 2022, ETI filed the affidavit of Stuart Barrett, attesting that ETI had provided notice of the application via email to all municipalities within ETI's service area. Mr. Barrett also attested that ETI had provided notice of the application to the Office of Public Utility Counsel (OPUC).
13. On September 21, 2022, ETI filed the affidavit of Kendra James, attesting that ETI had mailed notice of the application to all affected customers in ETI's service territory. Further, Ms. James attested that ETI had published notice at least once a week for four consecutive weeks prior to the effective date of the proposed rate change in newspapers having general circulation in each county of ETI's service territory.
14. At the prehearing conference on July 22, 2022, the SOAH ALJs found ETI's notice sufficient and memorialized that finding in SOAH Order No. 1 on July 29, 2022.

Interventions

15. At the prehearing conference on July 22, 2022, the SOAH ALJs granted intervenor status to the following parties: OPUC, Texas Industrial Energy Consumers (TIEC), and the Cities of Anahuac, Beaumont, Bridge City, Cleveland, Dayton, Groves, Houston, Huntsville, Liberty, Montgomery, Navasota, Oak Ridge North, Orange, Pine Forest, Pinehurst, Port Arthur, Port Neches, Roman Forest, Rose City, Shenandoah, Silsbee, Sour Lake, Splendora, Vidor, West Orange, and Willis (collectively, Cities).

16. In SOAH Order No. 3 issued on August 19, 2022, the SOAH ALJs granted the interventions of: The Kroger Co. (Kroger); the United States Department of Energy, on behalf of itself and all other affected Federal Executive Agencies (FEA); Walmart Inc. (Walmart); FlashParking, Inc. (FlashParking); and Sierra Club.
17. In SOAH Order No. 4 issued on September 7, 2022, the SOAH ALJs denied Southwestern Public Service Company's (SPS) late motion to intervene.
18. SPS appealed SOAH Order No. 4, and the Commission granted the appeal. In the Commission's Order on Appeal of SOAH Order No. 4 issued on October 20, 2022, the Commission overturned the SOAH ALJs' denial and granted SPS's late motion to intervene.
19. In SOAH Order No. 5 issued on September 19, 2022, the SOAH ALJs granted ChargePoint, Inc.'s (ChargePoint) late motion to intervene.
20. In SOAH Order No. 6 issued on October 6, 2022, the SOAH ALJs granted Sempra Infrastructure Partners, L.P.'s (Sempra) late motion to intervene.
21. In SOAH Order No. 8 issued on October 25, 2022, the SOAH ALJs granted Americans for Affordable Clean Energy's (AACE) and El Paso Electric Company's (EPE) late motions to intervene.

Appeals of Municipal Ordinances

22. ETI timely filed with the Commission petitions for review of rate ordinances of the municipalities exercising original jurisdiction within its service territory.
23. In SOAH Order No. 3 issued on August 19, 2022, the SOAH ALJs consolidated the review of the municipal ordinances adopted by the following cities/towns: Hearne, Patton Village, Daisetta, Madisonville, Bedias, Kosse, New Waverly, Somerville, Iola, Anderson, Todd Mission, Trinity, Franklin, Ames, Caldwell, Colmesneil, Bremond, Taylor Landing, Midway, Groveton, Woodbranch Village, Calvert, Woodloch, Nome, Riverside, Woodville, and Lumberton.
24. In SOAH Order No. 4 issued on September 7, 2022, the SOAH ALJs consolidated the review of the municipal ordinances adopted by the following cities/towns: Kountze, Cleveland, Normangee, Plum Grover, Hardin, Devers, North Cleveland, Plantersville, and China.

25. In SOAH Order No. 5 issued on September 19, 2022, the SOAH ALJs consolidated the review of the municipal ordinances adopted by the following cities/towns: Cut and Shoot, Corrigan, Bevil Oaks, and Chester.
26. In SOAH Order No. 8 issued on October 25, 2022, the SOAH ALJs consolidated the review of the municipal ordinances adopted by the following cities/towns: Willis, Groves, and Nederland.
27. In SOAH Order No. 11 issued on December 1, 2022, the SOAH ALJs consolidated the review of the municipal ordinances adopted by the following cities/towns: Dayton, Sour Lake, Port Neches, Navasota, Orange, Liberty, Pinehurst, Port Arthur, Anahuac, Bridge City, Rose City, Vidor, and Roman Forest.
28. In SOAH Order No. 13 issued on December 16, 2022, the SOAH ALJs consolidated the review of the municipal ordinances adopted by the following cities/towns: Silsbee, Beaumont, and Pine Forest.
29. In SOAH Order No. 15 issued on January 24, 2023, the SOAH ALJs consolidated the review of the municipal ordinance adopted by the City of West Orange.
30. In SOAH Order No. 16 issued on February 16, 2023, the SOAH ALJs consolidated the review of the municipal ordinances adopted by the following cities/towns: Huntsville, Splendora, Montgomery, Conroe, Shenandoah, Panorama Village, and Rose Hill Acres.
31. In Order No. 1 issued on June 6, 2023, the Commission ALJ consolidated the review of the municipal ordinances adopted by the following cities/towns: Oak Ridge North and Shepherd.

Testimonies and Statements of Position

32. On October 26, 2022, the following intervenors filed direct testimony: Walmart, SPS, Sierra Club, Cities, OPUC, TIEC, ChargePoint, and FlashParking.
33. On October 26, 2022, the following intervenors filed statements of position: AACE and EPE.
34. On November 2, 2022, Staff filed direct testimony.
35. On November 9, 2022, Staff filed late direct testimony.
36. On November 16, 2022, ETI filed rebuttal testimony.
37. On November 16, the following parties filed cross-rebuttal testimony: ChargePoint, SPS, Cities, OPUC, and TIEC.

38. On November 30, 2022, the following intervenors filed statements of position: Sempra, AACE, and Sierra Club.

Referral to SOAH and Evidentiary Record

39. On July 6, 2022, the Commission referred ETI's case to SOAH.
40. On August 4, 2022, the Commission issued a preliminary order.
41. In SOAH Order No. 11 issued on December 1, 2022, the SOAH ALJs adopted ETI's proposal to have Preliminary Order Issue Nos. 68 and 69 decided on written submission.
42. On December 16, 2022, ETI filed a Joint Motion to Admit Evidence on behalf of itself, Staff, OPUC, Cities, TIEC, Sierra Club, Kroger, FEA, Walmart, FlashParking, SPS, ChargePoint, Sempra, AACE, and EPE.
43. ETI requested that the documents identified in Exhibit A to its Joint Motion be admitted into evidence.
44. In SOAH Order No. 14 issued on December 28, 2022, the SOAH ALJs admitted the documents listed in Exhibit A to the Joint Motion.
45. On May 10, 2023, ETI filed an Unopposed Stipulation and Settlement Agreement (Stipulation) on behalf of itself, Staff, OPUC, TIEC, Sierra Club, Kroger, FEA, and Walmart. Cities, AACE, ChargePoint, SPS, EPE, Sempra, and FlashParking were not signatories to the Stipulation, but did not oppose it.
46. On May 10, 2023, ETI filed a second Joint Motion to Admit Evidence on behalf of itself, Staff, OPUC, Cities, TIEC, Sierra Club, Kroger, FEA, Walmart, FlashParking, SPS, ChargePoint, Sempra, AACE, and EPE.
47. In SOAH Order No. 20 issued on May 18, 2023, the SOAH ALJ admitted the documents listed in Exhibit A to the second Joint Motion to Admit Evidence and granted a partial remand to the Commission of the settled contested issues, excluding contested Preliminary Issue Nos. 68 and 69.

Briefs Regarding Preliminary Order Issue Nos. 68 and 69

48. The following parties submitted initial briefs on Preliminary Order Issue Nos. 68 and 69 on January 13, 2023: ETI, SPS, AACE, FlashParking, ChargePoint, OPUC, and Staff.
49. The following parties submitted reply briefs on Preliminary Order Issue Nos. 68 and 69 on January 27, 2023: ETI, SPS, EPE, AACE, ChargePoint, OPUC, and Staff.

50. The parties' proposed findings of fact, conclusions of law, and ordering paragraphs regarding Preliminary Order Issue Nos. 68 and 69 were filed on January 31, 2023.

Proposal for Decision

51. On June 19, 2023, SOAH issued the Proposal for Decision with Memorandum.
52. The following parties submitted exceptions to the Proposal for Decision on July 12, 2023: ChargePoint, ETI, Staff, AACE, and OPUC.
53. The following parties submitted replies to exceptions on July 19, 2023: ChargePoint, ETI, Staff, AACE, and OPUC.
54. On July 25, 2023, SOAH submitted a letter regarding the exceptions filed, not recommending any changes to the Proposal for Decision.

Severance and Referral to SOAH

55. On August 16, 2023, the Commission severed preliminary order issues 68 and 69 related to transportation electrification and charging infrastructure into a new Docket No. 55338, *Proceeding to Resolve Issues in Docket No. 53719 Related to Transportation Electrification and Charging Infrastructure*.
56. On December 13, 2023, the Commission referred this case to SOAH.
57. On December 14, 2023, the Commission issued a supplemental preliminary order.
58. The hearing on the merits convened by videoconference on April 5, 2024.
59. On April 15, 2024, Walmart, AACE, ETI, TIEC, OPUC, and Staff filed initial post-hearing briefs.
60. On April 25, 2024, _____ filed reply briefs and proposed findings of fact, conclusions of law, and ordering paragraphs.

Testimonies and Statements of Position in Severed Case

61. On September 20, 2023, ETI filed supplemental direct testimony.
62. On February 27, 2024, Walmart filed direct testimony.
63. On March 5, 2024, Staff filed supplemental direct testimony.
64. On March 27, 2024, Sierra Club filed a statement of position.
65. On March 28, 2024, AACE filed a statement of position.
66. On April 2, 2024, TIEC filed a statement of position.
67. On April 3, 2024, OPUC filed a statement of position.

TECI Rider

68. There are approximately 80,000 EVs registered in Texas, and that number is expected to reach 1,000,000 vehicles by the year 2028.
69. Current charging infrastructure investment is insufficient in many areas of Texas to support existing and expected future EVs.
70. Rural areas lack adequate access to EV charging facilities.
71. Expanding access to and facilitating the market for EV charging facilities is consistent with state policy and PURA chapter 42.
72. Electric utilities in the vertically integrated areas are well positioned to help further the state's policy of expanding access to and facilitating the market for EV charging facilities.
73. It is appropriate for an electric utility in a vertically integrated area to own EV charging facilities and other TE and charging infrastructure.
74. Under ETI's TECI Rider, any ETI customer in good standing and taking service under a metered non-residential, non-lighting rate schedule would be eligible to enter an agreement with ETI to own or operate an EV charging station on the person's property on a nondiscriminatory basis.
75. Under the TECI Rider and related agreement, only the customer, if it so chooses, will be providing EV charging service to the public, and ETI will not provide EV charging service to the public.
76. ETI will not brand or market any public EV charging station developed under the TECDA Rider as owned or operated by ETI, including by presenting ETI's name, logo, or any other distinguishing mark to indicate that ETI owns or operates the EV charging station.
77. The TECI customer will solely determine the physical access to and use of the public EV charging station necessary to carry out the responsibilities associated with ownership and operation of the public electric vehicle charging station, and prices for the EV charging service.
78. The TECI Rider and related agreement provide for the recovery of all electric utility-related costs, including the costs of owning, constructing, financing, operating, and maintaining the public EV charging station from the TECI customer.

79. The TECI Rider is voluntary, in that a customer desiring to install one or more chargers on its property may choose to avail themselves of the rider, or they can make the investment themselves where the Company's role is limited to providing electric service.
80. Customers that choose to participate in the TECI Rider would decide whether ETI only owns the distribution infrastructure, also owns the make-ready infrastructure, and would decide whether ETI or the customer owns and maintains the EV charger(s) itself.
81. ETI plans to contract with licensed, local third-party TE installers to install any chargers.
82. ETI will work with EV Supply Equipment Original Equipment Manufacturers to provide and maintain the charging station equipment and cloud software.
83. Customers that choose to participate in the TECI Rider would be able to choose the charging equipment and the network service provider from a list of prequalified vendors.
84. The costs incurred by ETI for the equipment, installation, and ongoing operations and maintenance expenses would be added to each participating TECI Rider customer's monthly electric bill as a fixed payment over the customer-selected recovery term of between one and ten years.
85. ETI's cost recovery from participating TECI Rider customers is reasonable, fair, and appropriate.

TECDA Rider

86. ETI's TECDA Rider is designed to provide demand charge relief and to reduce electric bill uncertainty for new Rate Schedule General Service (GS) customers installing separately metered charging equipment that elect to participate in the TECDA Rider.
87. The TECDA Rider would limit the amount of demand billed under Rate Schedule GS to a TECDA Rider customer during any billing period in which the actual calculated load factor is less than 15 percent.
88. Under the Rate Schedule GS with the TECDA Rider applied, the amount of Billing Demand billed to EV charging stations would be the lesser of: (a) measured demand (kilowatts (kW)), as conventionally determined and subject to the GS terms; or (b) adjusted demand (kW), as calculated based on actual usage and a minimum 15 percent monthly load factor.
89. The TECDA Rider would be self-correcting and would phase out over time. As charging station utilization improves with the increased adoption of EVs above the 15 percent

monthly load factor floor, the participating customers' bills would automatically adjust to the standard rates under Rate Schedule GS.

90. The TECDA Rider would be limited to customers with electric load less than or equal to 1,500 kW for a term of five years and would be available for only the first 30,000 kW of electric load that enrolls and becomes operational after the TECDA Rider is approved.
91. The Ratepayer Impact Measure test shows that the TECDA Rider is expected to result in net benefits through lower rates to ETI customers over a ten-year period.
92. The terms and conditions contained in the TECDA Rider are reasonable and appropriate.
93. There are no estimated costs for the TECD Rider, and ETI is not seeking recovery of any costs in this case.
94. ETI's TECDA Rider is reasonable and should be approved.

II. Conclusions of Law

The Commission makes the following conclusions of law.

1. ETI is a public utility as that term is defined in PURA § 11.004(1) and an electric utility as that term is defined in PURA§ 31.002(6).
2. The Commission exercises regulatory authority over ETI and the subject matter of this application under PURA §§ 14.001, 32.001, 36.001-.112, and 36.211, 39.452(k), and 16 Texas Administrative Code (TAC) §§ 25.130 and 25.231.
3. The Commission has jurisdiction over an appeal from municipalities' rate proceedings under PURA§ 33.051.
4. SOAH exercised jurisdiction over this proceeding under PURA § 14.053 and Texas Government Code § 2003.049.
5. This docket was processed in accordance with the requirements of PURA, the Texas Administrative Procedure Act, and Commission rules.
6. ETI provided adequate notice of its application in compliance with PURA § 36.103 and 16 TAC § 22.51(a) and filed affidavits attesting to the completion of notice in compliance with 16 TAC § 22.51(d).
7. It is appropriate for a vertically integrated electric utility to own vehicle-charging facilities or other TE and charging infrastructure in accordance with chapter 42 of PURA, as enacted by the recent passage of SB 1002. Act of May 8, 2023, 88th Leg., R.S., 2023 Tex. Sess. Law Serv. Ch. 53 (S.B. 1002) (codified as Tex. Util. Code ch. 42).

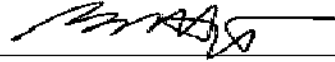
8. The Commission determines it is appropriate for ETI to own TE and charging infrastructure, including public EV charging stations under ETI's proposed TECI Rider and related agreement.
9. ETI's proposed rate, with the TECDA Rider's billing demand adjustment, is not a discounted rate under PURA § 36.007.
10. The TECI Rider and TECDA Rider approved in this Order are just and reasonable; are not unreasonably discriminatory, preferential, or prejudicial; are sufficient, equitable, and consistent in application to each class of customer; and meet the requirements of PURA § 36.003.
11. The riders approved in this Order meet the requirements of PURA § 36.603 and 16 TAC § 25.234.

III. Ordering Paragraphs

In accordance with these findings of fact and conclusions of law, the Commission issues the following orders.

1. It is appropriate for ETI to own TE and charging infrastructure, including charging stations.
2. ETI's proposed TECI and TECDA Riders are approved.
3. Within 20 days of the date of this Order, ETI must file a clean record copy of the tariffs approved in this Order, with the approved effective dates, with Central Records to be marked *Approved* and filed in the Commission's tariff books.
4. ETI's clean record copy of the TECI Rider shall include the following language under the Application section: "The agreed-upon fixed amount to cover O&M expenses shall be no less than the 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."
5. The Commission denies all other motions and any other requests for general or specific relief, if not expressly granted.

Respectfully submitted,



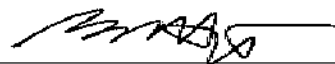
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ATTORNEYS FOR ENTERGY TEXAS, INC.

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Entergy Texas, Inc.'s Proposed Findings of Fact, Conclusions of Law, and Ordering Paragraphs was served by electronic delivery on all parties of record in this proceeding on April 25, 2024.



George G. Hoyt