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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

**AMERICANS FOR AFFORDABLE CLEAN ENERGY'S
EXCEPTIONS TO PROPOSAL FOR DECISION**

AUGUST 1, 2024

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TO THE COMMISSIONERS OF THE PUBLIC UTILITY COMMISSION OF TEXAS:

Americans for Affordable Clean Energy (AACE) timely files these Exceptions to the Proposal for Decision (PFD) for consideration by the Public Utility Commission of Texas (Commission). The Office of Policy and Docket Management issued a memorandum requiring the Exceptions to the PFD be filed by August 1, 2024.¹ Therefore, these Exceptions are timely filed. In support thereof, AACE respectfully shows as follows:

I. INTRODUCTION

On June 12, 2024, the Administrative Law Judge (ALJ) filed a PFD recommending the Commission adopt 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 appreciates the ALJ’s in-depth assessment of the two riders. The ALJ appropriately recommends the approval of the two riders,² and finds that the TECDA Rider does not result in cost shifting from participating customers to non-participating customers and is not preferential, prejudicial, or discriminatory.³ Nevertheless, the ALJ erroneously disregards AACE’s proposed modifications to the TECDA Rider. The ALJ only states AACE’s position and ETI’s response but provides no further explanation as to why AACE’s proposed modifications to the TECDA Rider was not recommended.

¹ Exceptions and Replies Memorandum (Jul. 16, 2024).

² Proposal for Decision at 2 (Jun. 21, 2024) (PFD).

³ PFD at 35-38.

AACE urges the Commission to take its proposed modifications to the TECDA Rider into consideration and modify the PFD pursuant to the proposed modifications as discussed in detail below.

B. TECDA Rider

The TECDA Rider is a reasonable effort to mitigate the inherent barrier that demand charges pose to electric vehicle (EV) investment. Demand charges make it very challenging for private companies to offer electricity to EV drivers at a price that is competitive with gasoline or diesel and are one of the greatest barriers to entry into the EV charging market by private businesses. Although the TECDA Rider allows private investors some relief from the demand charges, the limitation of the Rider being applicable to only 30,000 kW of load, and the first five-year limitation would expose site hosts to ongoing sporadic, high demand charges.

In order to allow the continuation of relief to some of the demand charges, AACE proposes the TECDA Rider be modified by increasing the limitation of its application to the first 30,000 kW of load and extending the life of the TECDA Rider beyond the first five-years after initially taking electric service.⁴ The TECDA Rider's limitations must be increased in order to allow site hosts full relief from the high demand charges faced when investing in EV charging stations. As proposed, the TECDA Rider's proposed demand relief limited to the first 30,000 kW of load would limit private investors to either the number of charges in which they could invest or they would be forced to face sporadic, high demand charges for a portion of their chargers. Further, the TECDA Rider is only applicable for five years, but the sporadic, high demand charges faced by private investors may continue to be an issue even after five years. In order to help protect site hosts from these ongoing sporadic, high demand charges and encourage private businesses to invest in EV chargers, it is critical that the TECDA Rider's five-year limitation be extended and the 30,000 kW limitation be removed.

AACE urges the Commission to modify the PFD to incorporate AACE's proposed modifications to the TECDA Rider in order to encourage continued investments in EV charging stations by private, unregulated businesses, which would allow for the proliferation of EVs in Texas.

⁴ Americans for Affordable and Clean Energy's Initial Brief at 6 (Apr. 15, 2024).

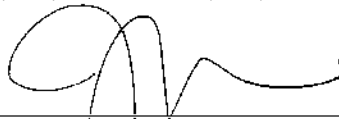
V. CONCLUSION

For the foregoing reasons, AACE respectfully requests the Commission modify and adopt a PFD consistent with these Exceptions. AACE also requests any such other relief to which they have shown themselves entitled.

Respectfully submitted,

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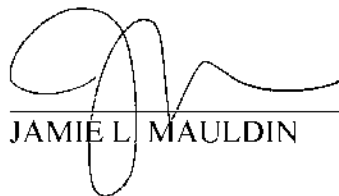
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**ATTORNEYS FOR AMERICANS FOR
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CERTIFICATE OF SERVICE

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 August 1, 2024, in accordance with the Order Suspending Rules, issued in Project No. 50664.



JAMIE L. MAULDIN