



## **Filing Receipt**

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**SOAH DOCKET NO. 473-24-13232  
PUC DOCKET NO. 56211**

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|--------------------------------------|----------|----------------------------------|
| <b>APPLICATION OF CENTERPOINT</b>    | <b>§</b> | <b>BEFORE THE</b>                |
| <b>ENERGY HOUSTON ELECTRIC, LLC</b>  | <b>§</b> | <b>PUBLIC UTILITY COMMISSION</b> |
| <b>FOR AUTHORITY TO CHANGE RATES</b> | <b>§</b> | <b>OF TEXAS</b>                  |

**ENVIRONMENTAL DEFENSE FUND’S RESPONSE TO**  
**CENTERPOINT’S APPEAL OF SOAH ORDER NO. 14**

Environmental Defense Fund (EDF) respectfully files this Response to CenterPoint Energy Houston Electric, LLC’s (CenterPoint or Company) Appeal of State Office of Administrative Hearings (SOAH) Order No. 14 (Appeal).

The Commission should deny CenterPoint’s Appeal and direct that this case proceed to resolution. Allowing the Company to withdraw at this late point in the proceeding under these circumstances would risk setting a poor precedent that could impede fair and efficient resolution of future Commission proceedings.

First, allowing CenterPoint’s withdrawal at this late stage would chill intervenor participation in future rate cases. Parties invest significant resources to participate in Commission proceedings, especially base rate case proceedings, under the reasonable expectation that their time and effort will help lead to a just and reasonable decision by the Commission. This burden is particularly acute for parties with limited budgets, such as not-for-profits and individual customers. Allowing CenterPoint to withdraw at this late date when parties had already prepared for a hearing on the merits with filed testimony would waste the time and resources parties have invested in this rate case over the past several months. This signal would deter interested parties from participating in future cases, which among other consequences, may impede the development of robust factual records on which Commission decisions rely.

Second, allowing withdrawal would impair efficient settlement of future cases. Settlement only works because the alternative is litigation: each party's settlement position is informed by their assessment of the potential litigated outcomes. This incents parties to compromise. Dismissing this case when it had already been abated to allow parties to focus on settlement negotiations, on the other hand, would undermine this incentive by providing utilities with the option of unilaterally choosing the status quo over litigation at any point prior to hearing. This would make the status quo the settlement "floor" in any proceeding, thereby reducing all parties' incentives to engage in settlement negotiations and driving more cases to full litigation.

The Company's Appeal does not attempt to mitigate the above concerns. EDF raised each of these arguments in response to SOAH Order No. 13;<sup>1</sup> tellingly, the Appeal does not address them.

For the foregoing reasons, in addition to reasons other parties may raise, the Commission should deny the Appeal. EDF further requests any other relief to which it is entitled.

Respectfully submitted,

/s/ Michael Zimmerman

Michael Zimmerman  
Casey Horan  
555 12<sup>th</sup> St. N.W., Suite 400  
Washington, D.C. 20004  
Telephone: (512) 691-3444  
[mzimmerman@edf.org](mailto:mzimmerman@edf.org)  
[choran@edf.org](mailto:choran@edf.org)

**ATTORNEYS FOR  
ENVIRONMENTAL DEFENSE  
FUND**

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<sup>1</sup> See EDF's Response to SOAH Order No. 13 (Aug. 14, 2024).

**CERTIFICATE OF SERVICE**  
SOAH DOCKET NO. 473-24-13232  
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I certify that today, August 29, 2024, a true copy of the Environmental Defense Fund's Response to CenterPoint's Appeal of SOAH Order No. 14 was served on all parties of record via hand delivery, facsimile, United States First-Class Mail, or electronic mail.

A handwritten signature in black ink, appearing to read 'Michael J. Jewell', written over a horizontal line.

Michael J. Jewell