

THIRD COURT OF APPEALS OF TEXAS AT AUSTIN

Entergy Texas, Inc. v. Public Utility Commission of Texas, Office of Public Utility Counsel, and Texas Industrial Energy Consumers

Entergy Texas · No. 03-14-00709-CV · Decided May 6, 2015

SUMMARY

This document is Entergy Texas, Inc.'s oral argument exhibit filed in an appeal before the Third Court of Appeals at Austin, Texas. It reproduces statutory language concerning certain utility tariffs and energy-efficiency cost recovery, along with filing and service information.

CASE DETAILS

COURT	Third Court of Appeals of Texas at Austin
JURISDICTION	Texas
DECIDED	May 6, 2015
DOCKET	03-14-00709-CV
DISPOSITION	other
PROCEDURAL POSTURE	Appeal from the 53rd Judicial District Court of Travis County, Texas.
PRECEDENTIAL VALUE	unknown
PARTIES	Entergy Texas, Inc. v. Public Utility Commission of Texas, Office of Public Utility Counsel, Texas Industrial Energy Consumers

TOPICS

administrative law

statutory interpretation

judicial review of agency action

appellate procedure

PRACTICE AREAS

administrative law

public utilities

statutory interpretation

appellate procedure

PROCEDURAL HISTORY

The document identifies an appeal from the 53rd Judicial District Court of Travis County, with Amy Clark Meachum presiding. The supplied text is an appellant's oral-argument exhibit and does not state the district court's disposition or the appellate court's disposition.

DISPOSITION

other

CASES CITED

- CenterPoint, 354 S.W.3d 899 (Tex. App.—Austin 2011, no pet.)

OPINION

PER CURIAM.

ACCEPTED 03-14-00709-CV 5166900 THIRD COURT OF APPEALS AUSTIN, TEXAS
5/6/2015 8:46:45 AM JEFFREY D. KYLE CLERK No. 03-14-00709-CV IN THE FILED IN 3rd
COURT OF APPEALS THIRD COURT OF APPEALS AUSTIN, TEXAS AT AUSTIN 5/6/2015
8:46:45 AM JEFFREY D. KYLE ENTERGY TEXAS, INC., Clerk Appellant, v. PUBLIC
UTILITY COMMISSION OF TEXAS, Appellee. Appeal from the 53rd Judicial District Court,
Travis County, Texas The Honorable Amy Clark Meachum, Judge Presiding
APPELLANT

ENTERGY TEXAS, INC.'S ORAL ARGUMENT EXHIBIT
John F. Williams

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ATTORNEYS FOR APPELLANT ENTERGY TEXAS, INC. May 2015 CERTIFICATE OF
SERVICE As required by Texas Rule of Appellate Procedure 9.5, I certify that on the 6th day of
May, 2015, the foregoing document was electronically filed with the Clerk of the Court using the
electronic case filing system of the Court, and that a true and correct copy was served on the
following lead counsel for all parties listed below via electronic service: Elizabeth R. B. Sterling
Megan M. Neal Environmental Protection Division Office of the Attorney General P.O.

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Counsel for Office of Public Utility Counsel /s/ Marnie A. McCormick Marnie A. McCormick The
CGS Statute as Enacted ... The tariffs subject to this subsection may not be considered to offer a
discounted rate or rates under Section 36.007, and the utility's rates shall be set, in the proceeding
in which the tariff is adopted, to recover any costs unrecovered as a result of the implementation of
the tariff. ... Tex. Util.

Code Ann. § 39.452(b) (emphasis added). The CGS Statute as Interpreted by the PUC ... The tariffs subject to this subsection may not be considered to offer a discounted rate or rates under Section 36.007, and the utility's rates shall be set, in the proceeding in which the tariff is adopted, to recover any costs unrecovered as a result of the implementation of the tariff. ... The Energy Efficiency Statute at Issue in CenterPoint, 354 S.W.3d 899 (Tex.

App. – Austin 2011, no pet.) (b) The commission shall provide oversight and adopt rules and procedures to ensure that the utilities can achieve the goal of this section, including: (1) establishing an energy efficiency cost recovery factor for ensuring timely and reasonable cost recovery for utility expenditures made to satisfy the goal of this section; ... (b-1) The energy efficiency cost recovery factor under Subsection (b)(1) may not result in an over-recovery of costs but may be adjusted each year to change rates to enable utilities to match revenues against energy efficiency costs and any incentives to which they are granted.

The factor shall be adjusted to reflect any over-collection or under-collection of energy efficiency cost recovery revenues in previous years. Tex. Util. Code Ann. § 39.905 (emphasis added).