



City of League City, TX

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League City TX 77573

Text File

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Title

Consider and take action on a resolution to suspend the effective date proposed by Centerpoint Energy Houston Electric, LLC ("CEHE") for 90 days in its application to increase rates; authorizing the City's continued participation in a coalition of cities known as the "Texas Coast Utilities Coalition of Cities;" authorizing participation in proceedings at the Public Utility Commission of Texas; authorizing the hiring of attorneys and consultants; requiring reimbursement of reasonable legal and consultant expenses; and requiring CEHE to provide proof of publication of notice (City Attorney)

..Background:

On March 6, 2024, CenterPoint Energy Houston Electric, LLC ("CEHE") filed an application to increase its retail rates by approximately \$60 million in annual revenue, or 2.6% in comparison to current retail revenues. The increase of \$60 million is comprised of an increase of about \$17 million for retail customers and about \$43 million for wholesale transmission customers.

CEHE requests that its rates become effective on April 10, 2024. This is CEHE's first comprehensive base rate proceeding since about April, 2019.

Also, the increase CEHE presents in its application is above recent increases in rates CEHE has implemented through its "DCRF" (Distribution Cost Recovery Factor), and its "TEEEF" (Temporary Emergency Electric Energy Facilities), better known as "mobile generation" batteries. Combined, since April, 2022, through its DCRF and TEEEF rate mechanisms CEHE has increased its revenue by approximately \$412.7 million. Thus, looking only at CEHE's proposed increase in revenues in its just-filed application would not present the full picture of increases in CEHE's rates.

Further, the investments in distribution facilities CEHE has made since April, 2022, are subject to review for "prudence" in this proceeding. So, at issue in the pending case are CEHE's combined increases in revenue totaling about \$472.7 million.

CITY JURISDICTION TO SET CEHE's RATES:

Municipalities have exclusive, original jurisdiction over an electric utility's rates, services, and operations within a city's boundaries. This means that for a utility like CEHE to change its rates it must seek approval to do so from the city in which it provides its service. Even if a city has ceded its jurisdiction to the Public Utility Commission of Texas ("PUCT"), a city nonetheless has the statutory right to participate in rate proceedings before the PUCT.

TEXAS COAST UTILITIES COALITION ("TCUC")

In prior rate cases filed by CEHE, the City has acted in concert with other similarly situated cities and undertaken its review of CEHE's rate applications as part of a coalition of cities known as the Texas

Coast Utilities Coalition (“TCUC”). TCUC was organized by a number of municipalities served by TCUC and the City has participated through TCUC in rate proceedings involving TCUC.

In CEHE’s prior general rate case submitted in April, 2019, in Docket No. 49421 before the Public Utility Commission of Texas (“PUCT”), CEHE requested an increase of about \$154.6 million and the PUCT approved an increase of \$13 million. The material reduction in CEHE’s proposed increase in rates is in large part due to the City’s participation in TCUC and coordination with other cities and their review of CEHE’s application.

BASIS FOR CEHE’s REQUEST:

CEHE asserts as the main drivers of the need for an increase, the following:

- The addition of about \$6.0 billion in distribution and transmission investment since CEHE’s last rate case in 2019 and related operations and maintenance expense increases;
- Year-over-year customer growth of about 2%, adding about 300,000 new customers;
- Recovery of expenses related to what CEHE refers to as “resiliency and reliability” improvements to respond to severe weather and modernization of the transmission grid;
- Update CEHE’s discretionary service charges to reflect current costs.

See attached Table for how CEHE proposes to allocate the increase of \$60 million among the customer classes.

BILL IMPACT:

Based on CEHE’s application, the estimated impact of **CEHE’s proposed increase** on a residential customer’s bill consuming 1000 kWh per month, related to the \$60 million, is as follows:

Usage	Current Bill	Proposed Bill	\$ Increase	% Increase
1000 kWh	\$54.70	\$55.95	\$1.25	2.3%

The increase shown in the table above is in addition to the increases related to CEHE’s increases under its DCRF and TEEEF tariffs, which equate to about \$10.00 per month for a residential customer.

Because a customer’s bill also includes charges assessed by the customer’s **Retail Electric Provider (REP)** to account for generation and retail activity costs, in addition to the transmission and distribution service costs assessed by CEHE, the full effect on a customer’s bill, after accounting for these other charges, is shown in the table below:

Usage	Current Bill	Proposed Bill	\$ Increase	% Increase
1000 kWh	\$176.69	\$177.94	\$1.25	1%

REPRESENTATION AND PARTICIPATION IN TCUC

In prior rate proceedings initiated by CEHE, the law firm of Herrera Law & Associates, PLLC has represented the City and its participation in the coalition of cities named the “Texas Coast Utilities

Coalition of Cities” (“TCUC”), including CEHE’s most recent rate cases seeking a changes in its DCRF and TEEEF filings. The accompanying Resolution authorizes retention of Herrera Law & Associates as Special Counsel and the City’s continued participation in the TCUC coalition.

INTERVENTION AT THE PUBLIC UTILITY COMMISSION OF TEXAS

CEHE filed its Statement of Intent to raise rates with the City and with the Public Utility Commission of Texas on the same date, March 6, 2024. It is important to participate in these proceedings because the Commission’s decisions could impact rates within the City. Thus, the accompanying Resolution authorizes intervention in proceedings at the Commission as well as any appeals taken from the Commission’s decision.

RATE CASE EXPENSES

As part of TCUC, the City’s reasonable rate case expenses are subject to reimbursement by the Company. The Resolution directs CEHE to reimburse the TCUC cities’ expenses on a monthly basis and delegates to the City Manager, or the City Attorney, or his/her designee, review of invoices for rate case expenses.

NOTICE

CEHE is required to provide notice of its rate increase application. The resolution that accompanies this agenda information sheet requires that CEHE provide proof that CEHE has published notice as required by state law.

RECOMMENDATION: SUSPEND PROPOSED EFFECTIVE DATE FOR THE PERIOD ALLOWED BY LAW

CEHE’s rate-filing package presents a complex set of ratemaking issues. Moreover, given the volume of data presented in CEHE’s application, TCUC’s lawyers and consultants cannot reasonably conclude their review and analysis of CEHE’s filing prior to its proposed effective date of April 10, 2024. Therefore, TCUC’s Special Counsel recommends that the City suspend CEHE’s proposed effective date for its rate increase for the period allowed by law. The standard period of suspension is 90 days beyond CEHE’s proposed effective date of April 10, 2024.

The City must take action by no later than April 10, 2024 to suspend CEHE’s proposed effective date to July 9, 2024.

Also, should CEHE’s published notice or its application be found deficient, or should CEHE agree to extend its proposed effective date, then CEHE’s proposed effective date would change as would the period of suspension.

Because it is recommended that the City *suspend* CEHE’s proposed effective date, the City will need to take separate and final action on CEHE’s proposed increase at a future date and no later than July 9, 2024.

Attachments:

1. Data Sheet
2. Proposed Resolution
3. Table - CEHE Proposed allocation of \$60 million

FUNDING

- Funds are available from Account # _____
- Requires Budget Amendment to transfer from Account # _____ to Account # _____
- NOT APPLICABLE

STRATEGIC PLANNING

- Addresses Strategic Planning Critical Success Factor # _____
- NOT APPLICABLE