

ENTERGY TEXAS, INC.

Electric Service

SCHEDULE EAPS

Sheet No.: 37

Effective Date: 1-28-09

Revision: 6

Supersedes: EAPS Effective 12-18-98

Schedule Consists of: Two Sheets

EXPERIMENTAL ECONOMIC AS-AVAILABLE POWER SERVICE

I. APPLICABILITY

This experimental economic as-available schedule is applicable to all retail Customers having self-generation capability greater than 5,000 kW which was both permanently existing on site and in operating condition as of March 8, 1993. The power taken under Schedule EAPS shall only be used for the displacement, in total or in part, of the Customer's self-generating capability. A Customer may not contract for Schedule EAPS power in excess of the design capacity of the Customer's power production facilities. Service taken under Schedule EAPS shall not displace load historically served by the Company.

II. AVAILABILITY

This schedule is available upon request, for a minimum of 1,000 kW on an hourly basis; provided that the Company reserves the right to limit the amount of power sold under this rate. The Company also reserves the right to limit the availability of power sold under this rate in accordance with Section VIII. If the Company's projected capacity margin for the next calendar year is less than 13%, service under this rate will not be available in the next calendar year and all years thereafter. This schedule shall remain in effect for five (5) years from the effective date unless an extension is requested by the Company and approved by the appropriate regulatory authority.

III. MODIFICATION OF REGULAR RATE SCHEDULE

Service taken under this schedule may be in addition to service provided by the Company under other rate schedules. The other rate schedule(s) in such case will be modified by the addition of Sections IV, V and VI of this schedule if necessary to make such other rate schedules consistent with this rate.

IV. DETERMINATION OF BILLING DEMAND AND ENERGY**A. Customer with a Contract for Service under Firm Rate Schedules:**

- (1) The load taken under Schedule EAPS in each half hour shall be the kW amount requested under Schedule EAPS. Where the Customer's actual metered kW is less than the amount requested under Schedule EAPS, the actual metered kW shall be the amount taken under Schedule EAPS in that half hour.
- (2) The energy taken under Schedule EAPS shall be the demand in each half hour as determined in (1) above divided by two and accumulated over the time period it is requested.

- (3) The demand and energy taken under other rate schedules shall be determined based on the remaining loads after Schedule EAPS is determined as described in (1) above. In any month which Schedule EAPS is requested, the contract power under the other rate schedule(s), including both firm and interruptible loads exclusive of Schedule EAPS, shall not be less than the contract power in the previous month and shall be treated as if the contract power were set in the current month. The demand under other rate schedules will be adjusted for power factor in accordance with Section IX F.

B. Customers without a Contract for Firm Power

- (1) The energy taken under Schedule EAPS shall be the total actual metered energy during the time period for which Schedule EAPS service is requested. Where the Customer also has a request for Standby or Maintenance Service, the load taken under Schedule EAPS shall be the amount requested under Schedule EAPS with the remaining load on Standby or Maintenance Service.
- (2) Any power taken beyond the provisions of Schedule EAPS shall be purchased in accordance with the provisions of the Customer's contract for standby or maintenance service from the Company. If no other contract for service exists, any power taken beyond the provisions of Schedule EAPS shall be priced at the load charges, energy charges and fuel charges for the applicable firm service rate for that occurrence.

V. ENERGY CHARGE

Energy shall be sold hour by hour at the Company's incremental fuel or purchased power cost plus 4.21 mills (a + b), calculated as follows:

- a. The energy taken under Schedule EAPS in each hour shall be multiplied times the Company's incremental fuel or purchased power cost and totaled for the billing month. The total shall be multiplied times the Customer's service voltage specific loss multiplier in accordance with Section IX E.
- b. The total energy taken under Schedule EAPS shall be multiplied times 4.21 mills per kWh. This amount shall be added to the amount calculated in (a).

The Company will review the energy charges as stated above biennially and submit such review to the appropriate regulatory authority. The Company may, subject to approval by the appropriate regulatory authority, change such charges.

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VI. MONTHLY MINIMUM PAYMENT

A Customer contracting for service under firm rate schedules and under Schedule EAPS shall pay a minimum amount for service under the firm schedules, exclusive of Schedule EAPS, in any month that power is taken under Schedule EAPS. The base rate revenues in the current month shall not be less than the base revenues derived by applying the current base rate charges to the corresponding base period month billing determinants adjusted as necessary for rate structure changes. The base period shall be the twelve-month period prior to the effective date of the Customer's initial contract for Schedule EAPS. Base revenues will be compared between the base period month and the current month. Both base energy charge revenues and base Billing Load Charge revenues will be compared separately to determine if the minimums have been met. Any billing adjustment required to satisfy the monthly minimum payment shall be made in the current billing month. Firm rate schedules and associated riders, exclusive of Schedule SSTS and Schedule SMS, will be included in the determination of the monthly minimum payment. The monthly minimum payment is applicable if power is taken under Schedule EAPS during any hour in the billing month.

The base year billing determinants for a Customer under a new firm contract will be determined by mutual agreement.

VII. NOTIFICATION BY CUSTOMER

The Customer must notify the Company's system operator regarding any and all Schedule EAPS transactions. The Company will provide an estimate of the incremental fuel or purchased power cost for the next hour upon request of the Customer. The Customer will make notification of the date, beginning of the hour start time and kW amount requested prior to taking service under Schedule EAPS. The Company will calculate the incremental fuel or purchased power cost during the hour which service has been provided under Schedule EAPS and use it for billing. The Customer may inquire about the incremental cost after the end of the hour which Schedule EAPS service has been provided. The Company is not liable for any variations between the estimated and the calculated incremental costs. The Customer will also make notification of the date and hour ending time prior to the Customer's discontinuance of taking service under Schedule EAPS.

VIII. PROVISIONS FOR AVAILABILITY

- A. Customer will discontinue taking service under Schedule EAPS upon notification by the Company. The notification period shall be determined by contractual agreement based on the Customer's generation operating characteristics.

- B. Availability of Schedule EAPS shall be at the discretion of the Company as the Company deems necessary in, but not limited to, maintaining service to firm loads, avoiding establishment of a new system peak, maintaining service integrity in the area or other situations when reduction in load on the Company's system is required.
- C. All load remaining after the notification period shall be considered firm load and billed according to the applicable firm rate for one year and subject to all billing provisions including demand ratchets and minimums, notwithstanding any earlier scheduled termination of Customer's contract for service under this or any other schedule.

IX. CONDITIONS OF SERVICE

- A. Customer may not use this schedule in lieu of firm, standby, maintenance or auxiliary service.
- B. Company will not be required to install additional facilities to serve Customer.
- C. Customer shall not resell or share any energy purchased under this schedule. If a Customer obtains the right to sell power to anyone other than the Company, no service under Schedule EAPS may be taken.
- D. Service will be supplied under this rate only to Customers having both their load and generation behind a single meter capable of recording power flow in or out.
- E. The voltage specific loss factors used in this rate shall be based on the loss study approved by the Commission in the Company's most recent general rate case.
- F. Where Customer's power factor of total service supplied by Company is such that 90% of measured monthly maximum kVA used during any 30-minute interval exceeds corresponding measured kW, Company will use 90% of such measured maximum kVA as the number of kW for all purposes that measured maximum kW demand is specified herein. However, where Customer's power factor is regularly 0.9 or higher Company may at its option omit kVA metering equipment or remove same if previously installed.

X. AMOUNT DUE AND PAYMENT

The past due amount for service furnished for which payment is not made within sixteen (16) days of the billing date shall be the monthly bill, including all adjustments under the rate schedule and applicable rider, plus 5% of the first \$50.00 and 2% of any additional amount of such monthly bill above \$50.00. If the amount due when rendered is paid prior to such date, the monthly bill including all adjustments under the rate schedule and applicable riders, shall apply. If providing service to the state of Texas, Company shall not assess a fee, penalty, interest or other charge to the state for delinquent payment of a bill.