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SOAH DOCKET NO. 473-19-6862
PUC DOCKET NO. 49737

2020 MAR -4 PM 2:55

APPLICATION OF SOUTHWESTERN
ELECTRIC POWER COMPANY FOR
CERTIFICATE OF CONVENIENCE
AND NECESSITY AUTHORIZATION
AND RELATED RELIEF FOR THE
ACQUISITION OF WIND
GENERATION FACILITIES

§ BEFORE THE STATE OFFICE
§ PUBLIC UTILITY BOARD
§ FILING CLERK
§ OF
§ ADMINISTRATIVE HEARINGS

SOAH ORDER NO. 5
ADOPTING BRIEFING OUTLINE; SETTING BRIEFING SCHEDULE; SETTING
BRIEFING GUIDELINES; ADMITTING EVIDENCE

I. BRIEFING OUTLINE

On February 24, 2020, Southwestern Electric Power Company (SWEPCO) filed a proposed briefing outline, which was agreed to by all the parties. The proposed briefing outline is **ADOPTED** for use in this docket.

II. BRIEFING SCHEDULE

Pursuant to SOAH Order No. 2, the following briefing schedule shall control:

- **March 9, 2020:** Initial Briefs and SWEPCO's proposed findings of fact and conclusions of law.
- **March 17, 2020:** Reply Briefs and Intervenor/Staff redlines of SWEPCO's proposed finding of facts and conclusions of law.

III. GUIDELINES

SWEPCO, as the applicant, shall provide a response to each issue listed in the briefing outline in its initial brief. Other parties may respond as necessary to support their positions. In their briefs, parties other than SWEPCO should omit outline headings for issues they do not address, but should not change the letter or number the agreed outline assigns to issues they address. Parties may add additional levels of subheadings for issues requiring longer discussion.

Parties are encouraged to submit joint briefs, findings of fact (FoFs), conclusions of law (CoLs), and ordering paragraphs (OPs) to the extent they agree on issues. Arguments shall not be submitted with the FoFs, CoLs, or OPs.

A. Page limits

The parties' initial and reply briefs shall be limited as follows: (1) SWEPCO's briefs shall be no more than **85 pages**; (2) Intervenors' and Staff's briefs shall be no more than **75 pages**. In lieu of the foregoing page limit, the parties **may certify** to using the following word count: SWEPCO – 30,175 words; Staff and Intervenors – 26,600 words. Any enlargement of these limitations may be made only upon granting a timely filed motion showing good cause.

B. Table of contents

Briefs more than ten pages long shall have a table of contents with page numbers. Reply briefs shall be limited to responding to other parties' initial briefs and shall clearly identify the initial brief (by party) and specific portion thereof (by heading or page numbers) to which the reply brief is responding. Reply briefs should not repeat initial briefs.

C. Citations

All factual assertions in briefs shall be supported by evidence admitted at the hearing for which a specific citation is provided in footnotes. To avoid confusion, if different page numbers appear on a page of an exhibit being cited, the parties shall cite to the bates-numbered pages, if any. Where necessary, the parties should identify which type of page number is being cited in its initial footnote citing that exhibit.

D. Support for statements in briefs

The ALJs may consider waived any statement or argument set forth in a brief to the extent that it: (1) lacks accurate citations to the evidence and law; or (2) is in a party's reply brief but should have been in its initial brief. The parties shall file their initial and reply briefs and proposed FoFs, CoLs, and OPs with the Commission in compliance with the Commission's filing requirements.

E. Word format

In addition, the parties shall promptly email a copy of their briefs and proposed FoFs, CoLs, and Ops in Word format to Erin.Hurley@soah.state.tx.us. The parties are also requested to email in Word format to Ms. Hurley a copy of the version of their pre-filed testimony (which may exclude exhibits) that was admitted in evidence which reflects any revisions pursuant to errata. The electronic name of each Word document emailed to Ms. Hurley should indicate what the document is, *e.g.*, [party name] Initial Brief, [witness name] Direct Testimony, or [party name] [exhibit number assigned to that testimony].

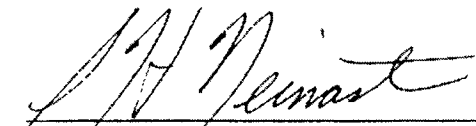
F. Protected material

Parties shall try to avoid filing any portion of their briefs confidentially by discussing exhibits covered by the Protective Order in a way that does not reveal protected information and referring the ALJs to the protected exhibits or the confidential portions of the transcripts for more detail. Before filing a brief summarizing protected information received from another party, the filing party shall consult with that other party as needed to ensure the summary does not reveal protected information. If a party must file part of its brief under seal, it shall do so in compliance with the Protective Order and the Commission's rules relating to confidential filings.

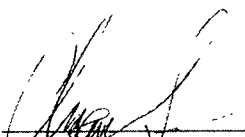
IV. ADMITTING EVIDENCE

On February 28, 2020, SWEPCO filed a motion for the admission of additional evidence pursuant to Texas Rule of Evidence 106 as SWEPCO Exhibit Nos. 39 through 41. The motion is conditionally **GRANTED**. If an objection is not filed by March 5, 2020, those exhibits are admitted without further action from the ALJs.

SIGNED March 4, 2020.



STEVEN H. NEINAST
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS



CHRISTIAAN SIANO
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS