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PUBLIC UTILITY COMMISSION  
STAFF CLEAK

APPLICATION OF THE CITY OF SAN	§	BEFORE THE STATE OFFICE
ANTONIO, ACTING BY AND	§	
THROUGH THE CITY PUBLIC	§	
SERVICE BOARD (CPS ENERGY) TO	§	
AMEND ITS CERTIFICATE OF	§	OF
CONVENIENCE AND NECESSITY FOR	§	
THE SCENIC LOOP 138-KV	§	
TRANSMISSION LINE IN BEXAR	§	
COUNTY	§	ADMINISTRATIVE HEARINGS

**SOAH ORDER NO. 4  
GRANTING APPROVAL OF PROPOSED AMENDMENTS TO APPLICATION;  
ADDRESSING ROUTE ADEQUACY HEARING AND PROCEDURES**

**Amendments to the Application**

On November 24, 2020, Toutant Ranch, Ltd., ASR Parks, LLC, Pinson Interests Ltd. LLP, and Crighton Development Co. (Developers) filed a request for approval of proposed agreed amendments to the application (Application) filed by the City of San Antonio, acting by and through the City Public Service Board (Applicant).<sup>1</sup> The proposed amendments include new segments that only directly impact Developers' properties and would not require additional notice.<sup>2</sup> Applicant and Commission staff (Staff) are unopposed to consideration of the additional segments. Considering the Developers' motion and any responses, the Administrative Law Judges (ALJs) **GRANT** Developers' request and **ORDER** Applicant to amend the Application in accordance with the request by **December 11, 2020**. Applicant is also **ORDERED** to file any supplemental direct testimony that relates to the additional segments by **December 11, 2020**.

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<sup>1</sup> Developers also addressed the request for a hearing on route adequacy, discussed later in this order.

<sup>2</sup> Developers' Motion at 5.

**Route Adequacy**

On November 24, 2020, Anaqua Springs Homeowners' Association and Brad Jauer/BVJ Properties, LLC (together, Movants) filed a joint motion requesting a hearing on and challenging the adequacy of routes presented in the Application, and several responses in opposition to the motion were timely filed on December 3, 2020. Patrick Cleveland also timely requested a hearing on route adequacy. SOAH Order No. 2 set the route adequacy hearing (if necessary) on December 10, 2020. After considering the request for hearing and the responses, the ALJs will hold a route adequacy hearing on **December 10, 2020, at 9:00 a.m. via the Zoom Videoconferencing Application (Zoom)**. Participants may access the hearing by going to <https://soah-texas.zoomgov.com/> or the Zoom application on your mobile device, selecting "Join a Meeting," and entering the following information when prompted:

**Meeting ID:** 161 749 6933  
**Passcode:** K#Jv9\$

If you do not have access to a device that would allow videoconferencing capabilities, you may join by telephone by calling either number below and entering the following Meeting ID and passcode. Note that the passcode to join by telephone is different than the passcode to join via a computer or smart device.

(669) 254-5252  
(646) 828-7666

**Meeting ID:** 161 749 6933  
**Passcode:** 928771

You may access information for participating in a zoom meeting at [www.zoom.us](http://www.zoom.us) under the "support" tab.

It is further **ORDERED** that the following prehearing instructions shall be followed:

- **Applicant Direct Case Evidence for the Route Adequacy Hearing.** By **December 8, 2020, at NOON**, Applicant shall file a list specifying all witnesses

and parts of its prefiled direct case that Applicant intends to offer at the route adequacy hearing. Applicant shall also state whether it will have a court reporter transcribe the hearing and if so, provide the court reporter's contact information and indicate how quickly the transcript will be available.

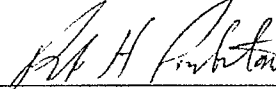
- **Prefiled Exhibits.** By **December 9, 2020 at NOON**, any party wishing to participate in the route adequacy hearing shall file a statement identifying all Applicant witnesses the party intends to cross-examine at the hearing. The party shall also prefile all exhibits they intend to offer at the hearing and a list of the exhibits. Exhibits should be numbered sequentially, and multipage documents shall be paginated or Bates-stamped. Exhibits that are not prefiled may not be admitted into the record absent good cause. To aid the ALJs in reviewing the evidence, parties shall also deliver to the State Office of Administrative Hearings (SOAH) two (one for each ALJ) hard copies of any maps intended to be used during the route adequacy hearing. The parties shall also provide the court reporter, if any, a copy of the witness and exhibit lists and of the exhibits the party will offer, after contacting the court reporter regarding how to do so.
- **Witness Identification.** By **December 9, 2020 at NOON**, any party wishing to participate in the route adequacy hearing shall file a witness list identifying and providing contact information for the witnesses they intend to call to testify during the hearing. Witnesses not named on the witness list, other than rebuttal witnesses, may be excluded from testifying. Due to time constraints and as provided in 16 Texas Administrative Code § 22.203(b)(3), only Applicant, which has the burden of proof, may present rebuttal testimony.
- **Witness Preparation.** Prior to the hearing, the parties must provide to witnesses all documents necessary for their effective participation in the hearing. Parties should also speak to the witnesses they intend to call to testify and provide them the necessary videoconferencing information.

The parties are reminded that a route adequacy hearing is limited in scope, and only one day has been allocated for this hearing. Therefore, the ALJs will place appropriate time limits on each participating party. The parties are encouraged to confer and file a proposal for the order and presentation of witnesses by December 9, 2020. Further, the ALJs anticipate ordering briefing on the legal standard for route adequacy only. Deadlines for briefing and for each party to deliver to SOAH two appeals copies of any of the party's exhibits admitted in evidence will be discussed at the hearing.

SIGNED December 4, 2020.



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HOLLY VANDROVEC  
ADMINISTRATIVE LAW JUDGE  
STATE OFFICE OF ADMINISTRATIVE HEARINGS



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ROBERT H. PEMBERTON  
ADMINISTRATIVE LAW JUDGE  
STATE OFFICE OF ADMINISTRATIVE HEARINGS