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DOCKET NO. 28980

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APPLICATION OF CENTERPOINT §  
ENERGY HOUSTON ELECTRIC, LLC §  
FOR FINDING THAT 40% §  
THRESHOLD UNDER PURA § 39.202(e) §  
HAS BEEN MET FOR SMALL §  
COMMERCIAL CUSTOMERS §

PUBLIC UTILITY COMMISSION  
FILING CLERK  
OF TEXAS

**ORDER NO. 6**  
**MEMORALIZING ACTIONS TAKEN DURING THE HEARING**  
**ON DECEMBER 30, 2003 AND OTHER PROCEDURAL MATTERS**

Following discussions at the hearing on the merits on December 30, 2003, parties agreed to a procedural schedule. The following revised procedural schedule incorporates parties' agreed schedule with certain modifications and is adopted for this proceeding:

Description	Date
Direct Testimony	January 7, 2004
ERCOT to provide verification of data submitted by CenterPoint	January 12, 2004
Technical Conference	January 14, 2004
Intervenor Testimony	January 16, 2004
Staff Testimony	January 21, 2004
Motions to strike direct testimony, intervenor testimony, and staff testimony	No later than January 23, 2004
Rebuttal Testimony	January 27, 2004
Prehearing conference	January 28, 2004
Hearing on the merits	January 29, 2004

***Prehearing conference.*** A pre-hearing conference is scheduled for 1:00 p.m., January 28, 2004, at the Commission's Offices at 1701 North Congress Avenue, Austin, Texas 78701 in the Commissioners' Hearing Room. The pre-hearing conference will deal with procedural matters, including offering exhibits into the record, the order and allotment of time for presentations, and any other matters that may assist in the disposition of this proceeding in a fair and efficient manner.

***Hearing on the merits.*** The hearing on the merits will be held on January 29, 2004, in addition to the Commission's regular scheduled open meeting. Therefore, parties should plan on no more than two hours for the hearing on the merits. Parties are to work together to reach agreed time allotments for opening statements, cross-examination, redirect, and closing statements that fit into this time limitation.

***Number of copies of testimony required.*** Nineteen copies of all direct and rebuttal testimony shall be filed.

***Motions to strike testimony.*** Motions to strike direct, intervenor, and staff testimony shall be filed no later than January 23, 2004. Motions to strike rebuttal testimony shall be raised no later than the prehearing conference on January 28, 2004. All parties shall be prepared to respond to any motions to strike at the prehearing conference.

***Marking exhibits.*** All exhibits shall be pre-marked prior to the start of the January 28, 2004 pre-hearing conference.<sup>1</sup> To the extent parties can reasonably anticipate using documents in cross-examination, these documents shall also be pre-marked as exhibits and made available at the time of the pre-hearing conference on January 28, 2004. It is the obligation of the party offering the evidence to make sure that all exhibits, including copies distributed to other parties, are properly marked and included in the record. All parties shall provide an exhibit list to the court reporter, the presiding officer, and a copy for the appeal box. In addition, an electronic copy of the exhibit list shall be emailed to the following: roni.dempsey@puc.state.tx.us; mike.field@puc.state.tx.us; and adriana.gonzales@puc.state.tx.us.

***Confidential exhibits.*** Exhibits containing confidential material shall meet all the requirements of P.U.C. PROC. R. 22.71(d)(1), in addition to being marked with the exhibit number.

***Exhibits not admitted at the pre-hearing conference.*** All documents to be used or introduced in the hearing on the merits not admitted at the pre-hearing conference shall be distributed to parties prior to the start of the hearing on the merits. Every effort should be made to work out objections to the evidence prior to the hearing (authentication, optional

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<sup>1</sup> This includes copies for parties, as well as the Court Reporter, appeal copies, and copies for the presiding officers and staff.

completeness, comparison of summary with entire document, etc.). Objections that cannot be resolved will be taken up before the hearing on the merits begins.

***Copies of exhibits.*** Parties are required to provide the following number of copies of exhibits:

- ***For prefiled testimony.*** Two copies for the court reporter, two copies for the appeal box, and one copy for the administrative law judge, for a total of five copies (staff, Commissioners, advisors, and parties should already have copies). However, if any language is stricken from, or any corrections are made to, the prefiled testimony, parties shall treat that material as though it was not prefiled and shall provide copies as indicated directly below.
- ***For all other evidence.*** In addition to copies provided to parties, a total of twelve copies of all offered evidence not prefiled is required for hearing purposes. The administrative law judge will ensure that two of these copies go to the court reporter, two to the appeal box, one to the administrative law judge, one to staff, and the remainder to the Commissioners' offices.

SIGNED AT AUSTIN, TEXAS the 6th day of January 2004.

  
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MICHAEL E. FIELD  
DIRECTOR, DOCKET MANAGEMENT  
POLICY DEVELOPMENT DIVISION