



Control Number: 32707



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**SOAH DOCKET NO. 473-07-0218
PUC DOCKET NO. 32707**

**APPLICATION OF RAYBURN
COUNTRY ELECTRIC
COOPERATIVE, INC. FOR A
CERTIFICATE OF CONVENIENCE
AND NECESSITY (CCN) FOR A
PROPOSED TRANSMISSION LINE IN
HENDERSON AND VAN ZANDT
COUNTIES, TEXAS**

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**BEFORE THE STATE OFFICE
OF
ADMINISTRATIVE HEARINGS**

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**ORDER NO. 43
CONCERNING SCOPE OF HEARING; PROCEDURAL SCHEDULE;
AND NOTICE OF HEARING**

I. SCOPE OF HEARING

A prehearing conference was held on March 17, 2008, to consider a procedural schedule for this remand proceeding. In addition, the parties asked for guidance on the scope of the hearing. After considering the Commission's Order on Remand and the parties' comments, the following guidance is provided concerning the scope of the remand hearing:

- The purpose of this proceeding is to consider environmental issues related to the recommended Modified Route 1. These environmental issues include: whether the proposed right-of-way will cross known habitat for bald eagles or endangered or threatened species; activities in response to the U.S. Fish and Wildlife Service letter dated June 29, 2005; activities in response to the Texas Parks and Wildlife Department's letter dated July 29, 2005; and assessment of Modified Route 1's impacts on wetlands, bottomland forest habitat, riparian habitat, and other sensitive communities or special habitat features.
- The scope of this proceeding does not include an evaluation of cultural or historical aspects of Modified Route 1.
- The scope of this proceeding does not include further evaluation of routes other than Modified Route 1 at this time. If the Commission determines that Modified Route 1 is not suitable from an environmental perspective, then additional remand proceedings may be needed to evaluate other possible routes; but if the Commission determines that Modified Route 1 is acceptable, then further proceedings will likely not be necessary.

II. PROCEDURAL SCHEDULE

The parties could not agree on a procedural schedule. Rayburn Country Electric Cooperative, Inc. (RCEC) proposed a schedule leading to a hearing on the merits by June 26, 2008, while intervenors Jim and Harold Wise requested additional time for their recently retained consultants to perform an environmental study of their property of about 200 acres, including some dense forest land. After considering the parties' arguments, the following procedural schedule is adopted for this remand proceeding, and all parties are ordered to comply with the schedule:

Activity	Date
Applicant Rayburn Country's Direct Testimony on Remand	April 25, 2008
Objections	May 2, 2008
Responses to Objections	May 5, 2008
Discovery Closes on Rayburn Country's Direct Testimony	May 12, 2008
Intervenors' Direct Testimony on Remand	May 21, 2008
Objections	May 29, 2008
Responses to Objections	June 2, 2008
Discovery Closes on Intervenors' Direct Testimony	June 12, 2008
Staff's Direct Testimony on Remand	June 20, 2008
Objections	June 27, 2008
Responses to Objections	July 1, 2008
Discovery Closes on Staff's Direct Testimony	July 11, 2008
Rayburn Country's Rebuttal Testimony and Intervenors' Cross-Rebuttal Testimony	July 18, 2008
Objections	July 22, 2008
Responses to Objections	July 25, 2008
Discovery Closes on All Rebuttal Testimony	July 31, 2008
Hearing on the Merits	August 6-8, 2008

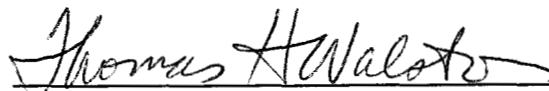
Discovery may begin immediately in accordance with Commission rules, except that a 7-day turnaround shall apply on Requests for Information (RFIs) on all parties' direct testimony, and a 3-day turnaround shall apply on RFIs on Rayburn Country's rebuttal and all Intervenor's cross-rebuttal testimony.

III. NOTICE OF HEARING

Notice is hereby given that a hearing on the merits will be held in this case as follows:

August 6-8, 2008, 10:00 a.m.
State Office of Administrative Hearings
William Clements State Office Building, 4th Floor
300 W. 15th Street
Austin, Texas

Signed March 18, 2008.



THOMAS H. WALSTON
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS