



Control Number: 38339



Item Number: 87

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SOAH DOCKET NO. 473-10-5001
PUC DOCKET NO. 38339

APPLICATION OF CENTERPOINT
ENERGY HOUSTON ELECTRIC, LLC
FOR AUTHORITY TO CHANGE
RATES

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BEFORE THE STATE OFFICE
OF
ADMINISTRATIVE HEARINGS

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SOAH ORDER NO. 5
MEMORIALIZING PREHEARING CONFERENCE,
ADOPTING PROCEDURAL SCHEDULE, AND NOTICE OF HEARING

On July 22, 2010, the parties appeared for a prehearing conference. At that time, the ALJs granted the Alliance for Retail Markets' Motion to Intervene and approved Centerpoint's notice with the changes Staff proposed. The parties requested that no ruling be made on the Motion for Discovery Compliance unless the Motion is re-urged.

The parties proposed two competing procedural schedules. One proposed by Centerpoint and all other parties except the Office of Public Utility Counsel (OPC) requests a hearing beginning October 11 and ending October 27, 2010. The schedule anticipates that the Commission would issue a final order before the 185-day deadline of January 1, 2011. OPC suggested a schedule that would allow for a deadline extension of 45 days until February 15, 2011. OPC is primarily concerned that the deadlines proposed for filing testimony in this case are very close to deadlines already established in the SPS rate case, which will not provide sufficient time for OPC to prepare testimony for both cases. Centerpoint does not oppose a deadline extension as long as there is a period of abatement in the case for the same amount of time as the deadline extension. The Gulf Coast Coalition of Cities opposes an abatement period.

After reviewing the proposed procedural schedules, the ALJs have determined that neither schedule is workable. OPC's proposed schedule does not provide for an abatement period, which Centerpoint requires to agree to an extension of the 185-day deadline. The proposed schedule agreed to by most of the parties anticipates a PFD issuing shortly after the close of the record, with one of those weeks falling over Thanksgiving. Because neither schedule is workable, the ALJs have developed a procedural schedule as explained below. If any party wishes to discuss the ALJs' schedule, they may request a second prehearing conference.

This procedural schedule was developed by assuming an open meeting date of December 16, 2010. However, the schedule could be adjusted if the Commission scheduled an open meeting for December 30, 2010. With the assumption of a December 16 open meeting, the PFD would have to issue two weeks before the open meeting date, or December 2, 2010. To allow sufficient writing time, the ALJs anticipate needing at least five weeks from reply briefs to issuance of the PFD. This makes reply briefs due on October 28, 2010. All dates in this schedule work backward from that date.

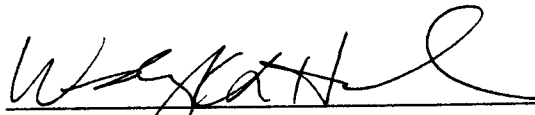
Event	Deadline
Intervention deadline	August 16, 2010
Intervenor direct testimony	September 10, 2010
Deadline for discovery on Centerpoint direct	September 8, 2010
Staff direct	September 17, 2010
Staff and Intervenor cross-rebuttal and objections to Intervenor and Staff direct testimony.	September 24, 2010
Deadline for discovery on Intervenor and Staff direct and cross-rebuttal testimony, and response to objections to Intervenor and Staff direct testimony.	September 30, 2010
Centerpoint rebuttal	October 1, 2010
Deadline for discovery on Centerpoint rebuttal and objections to Intervenor and Staff cross-rebuttal, and Centerpoint rebuttal.	October 5, 2010
Prehearing conference and response to objections to Intervenor and Staff cross-rebuttal, and Centerpoint rebuttal.	October 8, 2010
Hearing on the Merits	October 11-16, 2010
Initial briefs	October 21, 2010
Reply briefs	October 28, 2010

Turnaround time on RFIs is modified as follows: on Centerpoint direct – ten working days; on Intervenors direct – five working days; on Intervenor and Staff cross-rebuttal, and Centerpoint’s rebuttal – three working days or one day before the witness testifies, whichever is

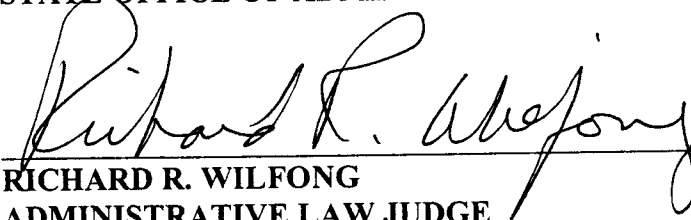
earlier.

The hearing on the merits will convene on Monday, October 11, 2010 at 8:00 a.m. at the State Office of Administrative Hearings, 300 West 15th Street, 4th Floor, Austin, Texas. The hearing will reconvene each day at 8:00 a.m. and recess each day no earlier than 5:30 p.m. If the hearing is not completed by Friday evening, October 15, 2010, it will continue into Saturday, October 16, 2010.

SIGNED July 23, 2010.



WENDY K-L. HARVEL
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS



RICHARD R. WILFONG
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS