



Control Number: 38929



Item Number: 545

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**SOAH DOCKET NO. 473-11-2330
PUC DOCKET NO. 38929**

APPLICATION OF ONCOR ELECTRIC	§	BEFORE THE STATE OFFICE
DELIVERY COMPANY, LLC FOR	§	OF
AUTHORITY TO CHANGE RATES	§	ADMINISTRATIVE HEARINGS

**SOAH ORDER NO. 8
DENYING MOTIONS TO COMPEL; GRANTING MOTIONS TO CONSOLIDATE;
GRANTING AGREED AND UNOPPOSED MOTION TO MODIFY PROCEDURAL
SCHEDULE**

I. DENYING TEX-LA'S MOTION TO COMPEL

On March 21, 2011, Tex-La Electric Cooperative of Texas, Inc. (Tex-La) filed a motion to compel a response from Oncor Electric Delivery Company, LLC (Oncor) to its first request for information. On March 23, 2011, Oncor filed a response to the motion. As set forth below, the ALJs sustain Oncor's objection and deny the motion.

Tex-La RFI No. 1-1 seeks data for the test year regarding the direct assignment study. Oncor objected that the request seeks information that is irrelevant and is not reasonably calculated to lead to the discovery of admissible evidence, because the Commission's Supplemental Preliminary Order issued on March 1, 2011, determined that whether "the direct assignment of costs for wholesale customers served at distribution voltage is appropriate for the wholesale rates Oncor is proposing in this proceeding" is an issue not to be addressed. Tex-La's motion is denied.

II. DENYING TIEC'S MOTION TO COMPEL

On March 21, 2011, Texas Industrial Energy Consumers (TIEC) filed a motion to compel responses to its fourth set of requests for information to Oncor. On March 23, 2011, Oncor filed a response to the motion. As set forth below, the ALJs sustain Oncor's objections and deny the motion.

TIEC RFI Nos. 4-3, 4-4, and 4-5 seek information regarding Oncor's parent and affiliate companies. TIEC argues that the information is relevant because it relates to Oncor's capital

structure and return on equity. Oncor objected that the requests seek information that is irrelevant and is not reasonably calculated to lead to the discovery of admissible evidence, because the ALJs have already sustained Oncor's relevance objections to similar requests in SOAH Order Nos. 3 and 6, and that the rationale of those orders have been reviewed and approved by the Commission. The ALJs agree. Oncor's objections are sustained and TIEC's motion is denied.

III. DENYING RAYBURN'S MOTION TO COMPEL

On March 22, 2011, Rayburn Electric Cooperative, Inc. (Rayburn) filed a motion to compel responses from Oncor to 53 questions in its second request for information. On March 23, 2011, Oncor filed a response to the motion. As set forth below, the ALJs sustain Oncor's objection and deny the motion.

All 53 questions in Rayburn's second RFI seek data for the test year regarding the direct assignment study. Oncor objected that the requests seek information that is irrelevant and they are not reasonably calculated to lead to the discovery of admissible evidence. Although Oncor presented a number of arguments in its response, all of which the ALJs agree with, the principal reason for denying Rayburn's motion is that the Commission has made it absolutely clear in its Supplemental Preliminary Order, issued on March 1, 2011, that whether "the direct assignment of costs for wholesale customers served at distribution voltage is appropriate for the wholesale rates Oncor is proposing in this proceeding" is an issue not to be addressed in this docket, but is to be addressed in Project No. 38808. Oncor's objections are sustained and Rayburn's motion is denied.

IV. DENYING OPC'S MOTION TO COMPEL

On March 14, 2011, the Office of Public Utility Counsel (OPC) filed a motion to compel responses to its fifteenth set of requests for information. On March 21, 2011, Oncor filed a response to the motion. As set forth below, the ALJs sustain Oncor's objection and deny the motion.

OPC argues that the two questions at issue request only pre-FIN 48 accounting information but, as Oncor notes in its response, the remainder of its arguments in the motion belie that contention. In Order No. 6, the ALJs held that FIN 48 information such as that sought by OPC is not relevant to this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence any more than the detailed UTP information in Docket No. 38339. The Commission was capable of making its determinations in that case without the information, and it will be able to make its determinations in this proceeding without the information. OPC's motion to compel is denied.

V. RULING ON MOTIONS TO CONSOLIDATE

On March 7, 2011, Oncor filed a Petition for Review of Cities Ordinances/Resolutions and Motion to Consolidate for the following city: Sanctuary. To date, no response has been filed to the Motion to Consolidate. The Motion is granted.

On March 16, 2011, Oncor filed a Petition for Review of Cities Ordinances/Resolutions and Motion to Consolidate for the following cities: Bells and Bonham. To date, no response has been filed to the Motion to Consolidate. The Motion is granted.

On March 25, 2011, Oncor filed a Petition for Review of Cities Ordinances/Resolutions and Motion to Consolidate for the following city: Willow Park. To date, no response has been filed to the Motion to Consolidate. The Motion is granted.

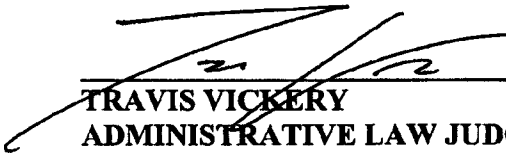
VI. AGREED AND UNOPPOSED MOTION TO MODIFY PROCEDURAL SCHEDULE

On March 28, 2011, Oncor filed an agreed and unopposed motion to modify the procedural schedule adopted in Order No. 2 as follows:

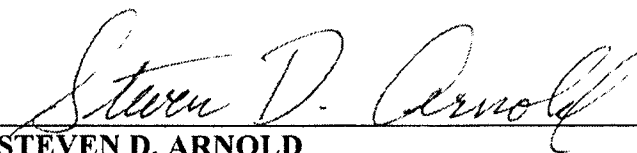
Event	Current Deadline	Agreed Modification
Intervenor Direct Testimony	March 29, 2011	April 1, 2011
Staff Direct Testimony	April 5, 2011	April 8, 2011

Oncor represents that this change is necessitated by settlement negotiations among the parties. The ALJs find that Oncor's motion has merit and should be granted. Therefore, the procedural schedule adopted in Order No. 2 is modified as set forth above.

SIGNED March 28, 2011



TRAVIS VICKERY
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS



STEVEN D. ARNOLD
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS