



Control Number: 40348



Item Number: 40

Addendum StartPage: 0

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APPLICATION OF TEXAS NEW	§	BEFORE THE STATE
MEXICO POWER COMPANY FOR	§	OFFICE
APPROVAL OF AN ENERGY	§	OF
EFFICIENCY COST RECOVERY	§	
FACTOR	§	ADMINISTRATIVE HEARINGS

**SOAH ORDER NO. 3
MEMORIALIZING PREHEARING CONFERENCE; GRANTING MOTIONS TO
INTERVENE AND FOR A PROTECTIVE ORDER; REVISING PROCEDURAL
SCHEDULE; AND NOTICE OF HEARING**

On June 4, 2012, the Administrative Law Judge (ALJ) convened a prehearing conference in this matter. The following parties were present:

- Texas-New Mexico Power Company (TNMP), represented by Scott Seamster and Jeffrey P. Kitner
- Staff, represented by John Zerwas
- Cities Served by TNMP (Cities), represented by Eileen McPhee

1. Granting Motions to Intervene

The following parties filed motions to intervene: Cities; Texas Industrial Energy Consumers (TIEC); Reliant Energy Retail Services, LLC (Reliant); and TXU Energy Retail Company LLC (TXU Energy). No one objected to these motions. Accordingly, the ALJ grants the motions to intervene filed by Cities, TIEC, Reliant, and TXU Energy.

2. TNMP's May 18, 2012 Motion for Issuance of a Protective Order to Govern the Use of Confidential Information

On May 18, 2012, TNMP filed a motion requesting that the ALJ issue a protective order in the form of the proposed order attached to its motion and identified as Exhibit A. There were no objections to TNMP's motion. Therefore, the ALJ grants TNMP's May 18, 2012 motion and adopts the proposed Protective Order attached to that motion to govern this proceeding.

3. Revised Procedural Schedule

Pursuant to P.U.C. SUBST. R. 25.181(f)(10)(B), the ALJ is required to set a procedural schedule that will enable the Commission to issue a final order in the proceeding within 120 days after a sufficient application has been filed. An exception to this requirement can occur if there is good cause to support the setting of a different procedural schedule.

At the prehearing conference, the parties agreed to a procedural schedule that went beyond the 120 day deadline in this case. Therefore, the ALJ finds that good cause exists to set a different procedural schedule from that found in P.U.C. SUBST. R. 25.181(f)(10)(B).

The ALJ adopts the following procedural schedule, as agreed to by the parties:

Event	Deadline
Discovery on TNMP's direct case ends	June 7, 2012
Settlement Conference	June 22, 2012
Intervenors' direct case due	July 13, 2012
Staff's direct case due	July 20, 2012
Rebuttal and Cross-rebuttal due	July 27, 2012
Hearing on the Merits	August 9, 2012
Initial post-hearing briefs due	August 17, 2012
Post-hearing reply briefs due	August 24, 2012


5. Notice of Hearing

The ALJ will convene a hearing on the merits on:

August 9, 2012 at 9:00 a.m.
State Office of Administrative Hearings
William P. Clements State Office Building
Fourth Floor
300 West 15th Street
Austin, Texas

The parties must arrive at 8:30 a.m., but the hearing will convene at 9:00 a.m. This timing will allow parties to provide exhibits to the court reporter, arrive at stipulations concerning the admissibility of exhibits to be used during cross-examination, and make any other agreements and stipulations that might facilitate progress in the case.

SIGNED June 5, 2012.



KERRIE JO QUALTROUGH
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS