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**SOAH DOCKET NO. 473-15-3684
PUC DOCKET NO. 44677**

2015 MAY -8 AM 10:05
FILED

APPLICATION OF EL PASO	§	BEFORE THE STATE OFFICE
ELECTRIC COMPANY FOR	§	
APPROVAL TO REVISE ITS ENERGY	§	
EFFICIENCY COST RECOVERY	§	OF
FACTOR AND REQUEST TO	§	
ESTABLISH REVISED COST CAP	§	ADMINISTRATIVE HEARINGS

SOAH ORDER NO. 1

**DESCRIPTION OF CASE; REQUESTING STAFF COMMENT ON SUFFICIENCY OF
NOTICE; SCHEDULING PREHEARING CONFERENCE; NOTICE OF PREHEARING
CONFERENCE; ADOPTING PROTECTIVE ORDER**

I. DESCRIPTION OF CASE

On May 1, 2015, El Paso Electric Company (EPE) filed an application to adjust the energy efficiency cost recovery factor (EECRF) pursuant to the Public Utility Regulatory Act (PURA) § 39.905 and P.U.C. Subst. R. 25.181(f) and to establish revised cost caps for commercial classes pursuant to P.U.C. Subst. R. 25.181(e)(2). EPE also is asking for a good cause waiver of the obligation to Study the savings from its Solar Photovoltaic Pilot Program and file a petition for approval of deemed savings for the program. On May 4, 2015, the Public Utility Commission of Texas (Commission) referred this case to the State Office of Administrative Hearings (SOAH), requesting the assignment of an Administrative Law Judge (ALJ) to conduct a hearing and issue a proposal for decision (PFD), if such is necessary. The Commission will consider this case at its May 21, 2014, meeting and subsequently issue a preliminary order. SOAH has jurisdiction over matters relating to the conduct of the hearing in this proceeding pursuant to Texas Government Code § 2003.049.

II. REQUESTING STAFF COMMENTS ON SUFFICIENCY OF NOTICE

Staff shall file its comments on the sufficiency of EPE's application and the notice filed by EPE no later than May 15, 2015.

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III. PROPOSED SCHEDULE

The following schedule shall be used in this proceeding:

Action	Deadline
Staff Approval of Notice	May 15, 2015
Proof of Notice	May 19, 2015
Intervention Deadline	June 2, 2015
Request for a Hearing	June 2, 2015
<i>If No Request For Hearing</i>	
Staff Recommendation	June 9, 2015
Parties' Proposed Order	June 23, 2015
Final Order	July 10, 2015

If a request for hearing is filed, the parties shall confer and, if possible, arrive at an agreed schedule for processing this case. If such an agreement can be reached, the parties shall file the agreed schedule no later than June 9, 2015, and the ALJ will issue an order adopting the proposed schedule. If there is no such filing, however, there will be a prehearing conference as discussed in the next section.

IV. NOTICE OF PREHEARING CONFERENCE

A prehearing conference will be convened in this docket at **10:00 a.m. on June 11, 2015**, in a SOAH hearing room located on the 4th Floor of the William Clements Building, 300 West 15th Street, Austin, Texas. The following matters will be discussed at the prehearing conference: (1) any pending motions; (2) a procedural schedule, including a date for the hearing on the merits; and (3); any other matters that may assist in the disposition of the proceedings in a fair and efficient manner.

V. DISCOVERY

Discovery may begin immediately pursuant to Subchapter H of the Commission's Procedural Rules. The following deadlines shall apply to discovery matters in this case:

- Responses to requests for information (RFIs) shall be filed within **10 calendar days** of receipt;
- Objections to RFIs shall be filed within **five working days** of receipt;

- Motions to compel shall be filed within **two working days** of receipt of objections; and
- Responses to motions to compel shall be filed within **two working days** of receipt.

VI. FILING AND SERVICE PROCEDURES

All pleadings shall be filed with the Commission's filing clerk, not with the SOAH filing clerk. The Commission's filing clerk will forward a copy of the pleadings to SOAH. Parties are directed not to send a courtesy copy of any pleadings to the ALJ unless it is emailed as either a pdf file or in Microsoft Word. Do not send hard copies. Emails may be sent to the ALJ's paralegal Debra Anderson at debra.anderson@soah.state.tx.us. The parties may also contact Ms. Anderson at 512-475-4931.


The procedures regarding filing specified in Subchapter E of the Commission's procedural rules apply in this proceeding, except that because this case has a regulatory deadline, unless otherwise specified, responses to any motion or other pleading shall be filed with **three working days** from receipt of the pleading to which the response is made. Parties are expected to know the filing procedures and comply with them fully. Pleadings and other filings shall be deemed filed when the proper number of legible copies is presented to the Commission filing clerk for filing. P.U.C. Proc. R. 22.71(c).

All mail sent to the parties by the ALJ will be sent by email, first class mail, or by fax, unless a party requests express mailing and provides an express mail account number.

VII. ADOPTING PROPOSED PROTECTIVE ORDER

The protective order filed with EPE's application (Attachment C) is **ADOPTED** and shall apply in this matter.

SIGNED May 7, 2015.


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