



Control Number: 47472



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**DOCKET NO. 47472**

**COMMISSION STAFF'S PETITION TO  
DETERMINE REQUIREMENTS FOR  
SMART METER TEXAS**

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**PUBLIC UTILITY COMMISSION  
OF TEXAS**

2017 SEP 29 2:35 PM  
PUBLIC UTILITY COMMISSION  
FILING CLERK

**AGREED PROPOSED PROCEDURAL SCHEDULE, AGREED MOTION  
FOR PROTECTIVE ORDER, AND AGREEMENTS REGARDING  
PROCEDURAL AND DISCOVERY MATTERS**

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas, representing the public interest, and files these Agreed Proposed Procedural Schedule, Agreed Motion for Protective Order, and Agreements Regarding Procedural and Discovery Matters.

**I. BACKGROUND**

On August 16, 2017, Staff filed a petition to initiate this proceeding.<sup>1</sup> The deadline for intervention in this proceeding passed on September 15, 2017.<sup>2</sup>

On September 26, 2017, Staff and the Intervenors in this proceeding held a meeting at the Commission's offices to discuss procedural issues. At that meeting, the parties reached an agreement regarding a procedural schedule for this proceeding and certain other procedural and discovery matters. Those agreements are summarized below.

Staff has conferred with the other parties to this proceeding, and all parties have agreed that Staff may file this pleading on behalf of all of the parties.

**II. PROCEDURAL SCHEDULE**

The parties have agreed to propose the below schedule for this proceeding. This schedule is designed to accommodate certain deadlines described by the utilities that have entered into the Joint Development and Operations Agreement, which provides for the joint ownership, development, operation, and maintenance of Smart Meter Texas (SMT). In particular, in order to

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<sup>1</sup> Commission Staff's Petition to Determine Requirements for Smart Meter Texas (Aug. 16, 2017).

<sup>2</sup> Order No. 1 at 2 (Aug. 18, 2017).

timely implement any required changes to SMT, these utilities would be required to issue a new request for proposal by the end of June 2018. As such, the parties have agreed to propose a hearing date in early December 2017 and to respectfully request that the Commission issue a final order in the spring of 2018.

Further, the parties note that the Commission has not indicated whether this proceeding will be heard by the Commissioners or referred to the State Office of Administrative Hearings (SOAH). The parties agree to recommend the adoption of the below procedural schedule regardless of whether this proceeding is referred to SOAH. The parties also respectfully request that the Commission provide guidance regarding whether this proceeding will be referred to SOAH.

<b>Event</b>	<b>Date</b>
Filing and service by e-mail of questions to be discussed at the October 12, 2017 technical conference	October 4, 2017
Technical conference, after which parties may also discuss settlement	October 12, 2017, 2:00 pm to 5:00 pm at the Commission's offices
Deadline for Intervenors' direct testimony, which shall include an annotated version of the existing business requirements for SMT. If an Intervenor intends to propose modifications to the business requirements for SMT, deadline for the filing of Intervenor direct testimony or statement of position.	October 19, 2017
Technical conference, to be conducted by conference call, regarding Oncor Electric Delivery Company, LLC's direct testimony	October 23, 2017, 2:00 pm to 4:00 pm by conference call, if requested by any party by e-mail by 9:00 am that morning
Technical conference for questions regarding Intervenors' proposed changes to the business requirements for SMT	October 26, 2017, 1:00 pm to 5:00 pm at the Commission's offices
Deadline for Staff's direct testimony or statement of position, which shall include an annotated version of the existing business requirements for SMT. If Staff intends to propose modifications to the business requirements for SMT, deadline for the filing of Staff direct testimony or statement of position.	October 31, 2017
All parties' cross-rebuttal testimony. To the extent a party wishes to litigate any issue in this proceeding and has not already filed testimony	November 14, 2017

or a statement of position, deadline for filing cross-rebuttal testimony or a statement of position.	
Objections to direct testimony	November 14, 2017
Objections to cross-rebuttal testimony	November 20, 2017
Hearing on the merits	2 days during the week of December 4–8, 2017

### III. AGREED MOTION FOR ADOPTION OF PROTECTIVE ORDER

The parties respectfully request the adoption of a protective order consistent with the Commission’s standard protective order.<sup>3</sup>

### IV. DISCOVERY MATTERS

The parties agree that, in light of the number of technical conferences scheduled by the parties, the use of written discovery and depositions will generally not be needed. The parties agree that information obtained at a technical conference may be relied on by a party for the purposes of a witness’s testimony in this proceeding. The parties further agree that written discovery and depositions will not be conducted, unless either (1) the requesting and responding parties agree with respect to a particular discovery request or deposition, or (2) the requesting party files a motion and receives leave of the presiding officer with respect to a particular discovery request or deposition.

### V. PROCEDURAL MATTERS

#### A. Email service

The parties have agreed to service of filings by e-mail. As part of this agreement, the parties further agree that service on the Office of Public Utility Counsel will be provided by e-mail to both [laurie.barker@opuc.texas.gov](mailto:laurie.barker@opuc.texas.gov) and [opuc\\_eservice@opuc.texas.gov](mailto:opuc_eservice@opuc.texas.gov).

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<sup>3</sup> See, e.g., *Application of Southwestern Public Service Company for a Certificate of Convenience and Necessity Authorizing Construction and Operation of Wind Generation and Associated Facilities in Texas & New Mexico and Related Ratemaking Principles and Approval of a Purchased Power Agreement to Obtain Wind-Generated Energy*, Docket No. 46939, Order No. 1 at 3 (Mar. 22, 2017) (adopting “the Commission’s standard protective order”).

## **B. List of existing business requirements**

Oncor Electric Delivery Company LLC (Oncor) has prepared a table showing the existing business requirements for SMT, which shows under a separate heading any functionalities implemented as part of the Advanced Meter Working Group process.<sup>4</sup> Oncor provided a version of this table in native format to all parties by e-mail and by filing on the Commission's Interchange.<sup>5</sup> The parties agree that, with the filing of a party's statement of position or direct testimony that proposes any modifications to the business requirements for SMT, the party will also file an annotated version of the table prepared by Oncor, following the existing numbering of each business requirement. To the extent a party proposes the addition of new requirements not already shown on the table prepared by Oncor, those additional items will be numbered with a prefix reflecting the name of the proposing party, e.g. Staff-1, Staff-2, Oncor-1, and Oncor-2. These documents will serve a function similar to a Decision Point List, which will be compiled for the benefit of the presiding officer.<sup>6</sup>

## **C. Requirement of filing testimony or a statement of position**

The parties agree that, to the extent a party proposes modification to the existing business requirements for SMT, a party shall file direct testimony or a statement of position, consistent with the deadlines proposed above. To the extent a party intends to litigate any issue in this proceeding, a party shall file testimony or a statement of position, if it has not already done so, by November 14, 2017, consistent with 16 TAC § 22.124.

## **VI. CONCLUSION**

The parties respectfully request the entry of an order adopting the parties' proposed procedural schedule and providing guidance regarding whether this proceeding will be referred to SOAH. The parties agree that the parties' proposed schedule should apply regardless of whether this matter is referred to SOAH. Finally, the parties respectfully request the entry of an order

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<sup>4</sup> Smart Meter Texas Business Requirements (Sept. 28, 2017).

<sup>5</sup> *Id.*

<sup>6</sup> *See* 16 Tex. Admin. Code § 21.3(16) (TAC) (defining "Decision Point List").

adopting the Commission's standard protective order and memorializing the parties' agreements regarding procedural and discovery matters.

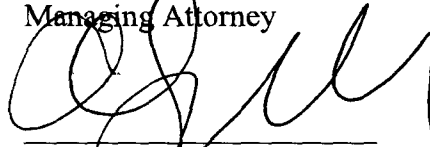
Date: September 29, 2017

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Margaret Uhlig Pemberton  
Division Director

Stephen Mack  
Managing Attorney



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**DOCKET NO. 47472  
CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on September 29, 2017 in accordance with 16 TAC § 22.74.



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A. J. Smullen