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SOAH DOCKET NO. 473-18-0708
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COMMISSION STAFF'S PETITION TO
DETERMINE REQUIREMENTS FOR
SMART METER TEXAS

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BEFORE THE STATE OFFICE
OF PUBLIC UTILITY COMMISSION
ADMINISTRATIVE HEARINGS

OFFICE CLERK

SOAH ORDER NO. 1
DESCRIPTION OF PETITION AND JURISDICTION;
NOTICE OF HEARING; OTHER DEADLINES AND PROCEDURES

I. DESCRIPTION OF PETITION AND JURISDICTION

On August 16, 2017, the staff (Staff) of the Public Utility Commission of Texas (Commission) filed a petition to determine what changes, if any, should be made to the business requirements for Smart Meter Texas (SMT), a web portal that allows access to data regarding Texas retail customers' electricity usage. Staff initiated the proceeding at the direction of the Commissioners at their July 28, 2017 open meeting.

As described in the petition, the purpose of this proceeding is to determine what changes, if any, should be made to the existing requirements for SMT. The Public Utility Regulatory Act (PURA) sets out general requirements for advanced metering.¹ Consistent with these requirements, the Commission's rules require that Staff, using a stakeholder process and subject to Commission approval, determine when and how advanced metering information shall be made available on an electric utility's web portal.² SMT is a web portal created through a collaborative stakeholder process pursuant to 16 Texas Administrative Code (TAC) § 25.130 to make metering data available to certain persons. SMT is operated by several transmission and distribution utilities that have entered into a Joint Development and Operations Agreement (JDOA), which provides for the joint ownership, development, operation, and maintenance of SMT. Customers, retail electric providers, and certain other third parties have access to information that is made available through SMT. In its petition, Staff requests that the Commission determine what

¹ Public Utility Regulatory Act, Tex. Util. Code tit. 2 (PURA), § 39.107.

² 16 Tex. Admin. Code § 25.130(g)(1)(e)(ii).

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changes, if any, should be made to the requirements for the continued operation of SMT under the JDOA.

The Commission has jurisdiction over this proceeding pursuant to PURA §§ 14.001 and 39.107 and 16 TAC § 25.130. On October 26, 2017, the Commission issued an order referring 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 necessary. SOAH has jurisdiction over matters relating to the conduct of the hearing and issuance of a PFD pursuant to PURA § 14.053 and Texas Government Code § 2003.049.

II. NOTICE OF HEARING; OTHER DEADLINES AND PROCEDURES

Routine procedural and logistical questions may be directed to the ALJ's administrative assistant, Erin Hurley, at (512) 475-3419 or Erin.Hurley@soah.texas.gov. SOAH support personnel may not provide advice or interpret orders or regulations for the parties.

A motion filed October 20, 2017, by AEP Texas Inc. states that all parties have agreed to the hearing being held on December 4-5, 2017. **The hearing on the merits will convene at 10:00 a.m., on December 4, 2017, and, unless the ALJ indicates otherwise, reconvene at 9:00 a.m. on December 5, 2017,** at the SOAH hearing facilities located at the William P. Clements Office Building, 300 West 15th Street, Fourth Floor, Austin, Texas. The hearing room will be open at or before 9:00 a.m. on December 4, 2017, for the parties to set up and have exhibits marked.

Previous Commission orders in this case have addressed many procedural matters, including granting interventions, adopting a protective order, and approving a detailed partial procedural schedule. If a party believes a prehearing conference would be useful, after conferring with the other parties it should file a request with multiple agreed dates since the ALJ or a large hearing room might not be available. A large hearing room is more likely to be

available on a Friday. Parties wanting to participate by phone should notify Ms. Hurley or file a request at least two working days before a prehearing conference.


For purposes of a clear evidentiary record and an efficient hearing, the ALJ will rule in advance on objections, if any, to testimony. Responses to objections to direct testimony shall be filed **on or before November 21, 2017**. Responses to objections to cross-rebuttal testimony shall be filed **on or before November 28, 2017**.

If a party believes other additions or changes are needed to the procedural schedule or procedures previously established, it should file a motion (in which case the ALJ would not rule before the response deadline), file an agreed motion, or request a prehearing conference.

Mail from SOAH to the parties will be sent by email, first class mail, or facsimile, unless a party requests express mailing and provides an express mail account number. A party that wants to receive such documents by email may go to the SOAH website at <http://www.soah.texas.gov/index.asp>, click on "Request Email Service," and complete the short form.

If the parties expect this case to settle, the ALJ requests that they so indicate by written filing sufficiently in advance for the ALJ to avoid spending extensive time needlessly preparing for the hearing.

SIGNED October 27, 2017.



ELIZABETH DREWS
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS