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SOAH DOCKET NO. 473-18-3455  
PUC DOCKET NO. 48332

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APPLICATION OF EL PASO  
ELECTRIC COMPANY TO ADJUST  
ITS ENERGY EFFICIENCY COST  
RECOVERY FACTOR AND  
ESTABLISH REVISED COST CAP

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BEFORE THE STATE OFFICE  
PUBLIC UTILITY COMMISSION  
FILING CLERK  
OF  
ADMINISTRATIVE HEARINGS

**SOAH ORDER NO. 2  
ADOPTING AGREED PROCEDURAL SCHEDULE; GRANTING REQUEST  
FOR GOOD CAUSE EXCEPTION; GRANTING MOTION  
TO INTERVENE; NOTICE OF HEARING; APPROVING NOTICE; AND  
ADOPTING AGREEMENT FOR SERVICE BY EMAIL**

On June 12, 2018, El Paso Electric Company (EPE) filed an agreed procedural schedule for this case, which included a proposed date for the hearing on the merits, as well as a request for a good-cause extension of the deadline set forth in 16 Texas Administrative Code § 25.181(f)(9)(E) for holding a hearing in this case. Finally, the parties request adoption of their agreement to effect service in this case by email, pursuant to 16 Texas Administrative Code § 22.74(c).

***Adopting Agreed Procedural Schedule***

The parties agreed to a schedule that accommodates a hearing date of September 5, 2018. If the schedule is adopted, the Public Utility Commission of Texas (Commission) would be unable to issue a final order by the 180-day deadline set forth in the rule. However, the parties contend that the agreed schedule and hearing date are necessary to accommodate the parties' conflicts with other commitments. Therefore, pursuant to 16 Texas Administrative Code § 25.3(b), the parties submit that good cause exists to extend the 180-day deadline.

The Administrative Law Judge finds good cause to adopt the agreed schedule and extend the deadline set forth in 16 Texas Administrative Code § 25.181(f)(9)(E). Therefore, the following schedule will govern this case until further order:

Deadline to intervene	June 14, 2018
Deadline to request a hearing	June 14, 2018
Deadline to serve discovery on EPE direct**	July 20, 2018 (Friday)

<b>Intervenor Direct Testimony</b> Objections to EPE direct	July 27 2018 (Friday)
<b>Staff Direct Testimony</b> Objections to Intervenor Direct	August 3, 2018 (Friday)
Objections to Staff Direct Replies to Objections to Intervenor Direct	August 10, 2018 (Friday)
<b>EPE Rebuttal</b> <b>Intervenor Cross-Rebuttal</b>	August 15, 2018 (Wednesday)
Deadline to serve discovery on Staff Direct and Intervenor Direct*	August 15, 2018 (Wednesday)
Replies to Objections to Staff Direct	August 17, 2018 (Friday)
Deadline to serve discovery on Rebuttal and Cross- Rebuttal** Objections to Rebuttal and Cross-Rebuttal	August 20, 2018 (Monday)
Replies to objections to Rebuttal and Cross-Rebuttal Statement of positions if necessary pursuant to 16 Tex. Admin. Code §22.124 (TAC)	August 24, 2018 (Friday)
Hearing on the merits	September 5, 2018 (Wednesday)
Initial Briefs	September 18, 2018 (Tuesday)
Reply Briefs	September 28, 2018 (Friday)
Proposal for Decision due	November 27, 2018 (Tuesday)

Any of the deadlines set forth in the motion, except the date for the hearing on the merits, may be modified by written agreement between the parties filed with the ALJ.

***Granting Motions to Intervene***

On May 31, 2018, the City of El Paso (the City) filed a motion to intervene as a party to this case. On June 14, 2018, Texas Industrial Energy Consumers (TIEC) filed a motion to intervene as a party to this case. The deadline has passed and no party has filed a response in opposition to either the City’s or TIEC’s motion. The motion is **GRANTED**, and the City and TIEC are now parties to this case.

***Notice of Hearing***

Pursuant to the agreed schedule, the parties agreed that there was good cause to extend the deadline set forth in 16 Texas Administrative Code § 25.181(f)(9)(D) for requesting a hearing to June 14, 2018. On June 14, 2018, Commission staff (Staff) and the City filed requests for a hearing in this case. The parties have agreed to a proposed hearing date.

Therefore, **PLEASE TAKE NOTICE** that the hearing on the merits will convene on **September 5, 2018, at 9:00 a.m.** at the **State Office of Administrative Hearings, 300 West 15th Street, Fourth Floor, Austin, Texas.**


*Approving Notice*

On June 12, 2018, Staff filed its recommendation on the proof of notice filed by EPE. Staff finds that EPE's notice was timely sent to the appropriate parties as required by 16 Texas Administrative Code § 25.181(f)(13) and (14) and recommends that EPE's notice be approved. No party filed any objection to EPE's notice. Accordingly, the ALJ approves EPE's notice.

*Service by Email*

The parties reached agreement pursuant to 16 Texas Administrative Code § 22.74(c) to service by email of all pleadings, discovery responses, and testimony, except for confidential or voluminous documents which should be delivered either physically or on electronic media. Further, the parties agreed that EPE may accomplish service of discovery responses by email notification that responsive documents are available on a secure workplace. The ALJ adopts the parties' agreements regarding service by email.

**SIGNED June 26, 2018.**



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**CASEY A. BELL**  
**ADMINISTRATIVE LAW JUDGE**  
**STATE OFFICE OF ADMINISTRATIVE HEARINGS**