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SOAH DOCKET NO. 473-18-4038
PUC DOCKET NO. 48422

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APPLICATION OF AEP TEXAS, INC. § BEFORE THE STATE OFFICE
TO ADJUST ENERGY EFFICIENCY §
COST RECOVERY FACTORS AND § OF
RELATED RELIEF §
§ ADMINISTRATIVE HEARINGS

SOAH ORDER NO. 1
DESCRIPTION OF CASE; REQUESTING STAFF COMMENT ON SUFFICIENCY OF
NOTICE; ADOPTING PROPOSED PROTECTIVE ORDER; DEADLINE TO SUBMIT
AGREED PROCEDURAL SCHEDULE

I. DESCRIPTION OF CASE

On June 1, 2018, AEP Texas, Inc. (AEP) filed an application to adjust its energy efficiency cost recovery factor and other related relief pursuant to 16 Texas Administrative Code § 25.181. The Public Utility Commission of Texas (Commission) has jurisdiction over this application pursuant to Public Utility Regulatory Act § 39.905. On June 4, 2018, the 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, if such is necessary. The Commission will consider this case at its June 14, 2018 open 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

Staff shall file its comments on the sufficiency of AEP's proposed notice and on the application itself no later than **June 29, 2018**.

III. ADOPTING PROPOSED PROTECTIVE ORDER

The Commission's standard protective order, filed as Attachment B to AEP's application, is **ADOPTED** and shall apply in this matter.

IV. DEADLINE TO SUBMIT OBJECTIONS TO AGREED PROCEDURAL SCHEDULE

AEP proposed a procedural schedule. Under 16 Texas Administrative Code § 25.181(f)(9)(D) & (E), if no hearing is requested, a procedural schedule must be set that would allow the Commission to issue a final order within 90 days after an application was filed, or August 30, 2018. If a hearing is requested, a procedural schedule must be set that would allow the Commission to issue a final order within 180 days after an application was filed, or November 28, 2018. AEP's proposed procedural schedules appear to allow sufficient time for either scenario. Therefore, no later than **June 15, 2018**, any party may file objections to the proposed procedural schedule. If none are filed, the proposed procedural schedule is adopted without further order.

V. DISCOVERY AND OTHER PROCEDURAL MATTERS

Discovery may begin immediately pursuant to the provisions of 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.

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. If the parties have procedural questions or believe the ALJ should be made aware of a filing in a more immediate manner, they may contact Melissa Ethridge at melissa.ethridge@soah.texas.gov or 512-463-0203. 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.

SIGNED June 6, 2018.



WENDY K. L. HARVEL
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS