



Control Number: 51023



Item Number: 359

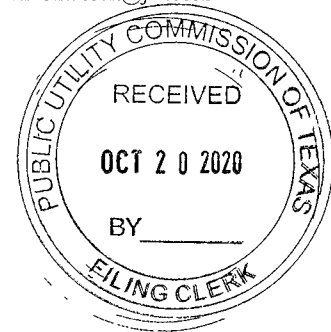
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October 20, 2020

**Via Interchange Filing**

Honorable Holly Vandrovec  
Honorable Robert H. Pemberton  
Administrative Law Judges  
State Office of Administrative Hearings  
300 W. 15<sup>th</sup> Street  
Austin, Texas 78701



RE: PUC Docket No. 51023; SOAH Docket No. 473-21-0247 - *Application of the City of San Antonio To Amend its Certificate of Convenience and Necessity for the Scenic Loop 138-kV Transmission Line in Bexar County*

Dear Judges Vandrovec and Pemberton:

On October 2, 2020, SOAH Order No. 1 was issued. On page 4, the order required CPS Energy to circulate within three business day of the order a proposed procedural schedule that complies with the guidelines established in the order to the parties to the above-captioned proceeding.

On October 7, 2020, CPS Energy circulated, via email to all parties for which a working email address was provided during the intervention process, a proposed procedural schedule that complies with the guidelines established in SOAH Order No. 1. Based on those guidelines, and accounting for initial briefs to be filed two weeks following the hearing on the merits and reply briefs one week following initial briefs, the date proposed by CPS Energy for the hearing on the merits was March 1-5. All other dates and time periods provided in the draft schedule were generally consistent with other recent transmission line certificate of convenience and necessity proceedings at the Public Utility Commission of Texas.

Over the last few days, CPS Energy has worked with the parties to address requested changes to the proposed schedule. A proposed schedule that complies with the guidelines established in SOAH Order No. 1 is attached to this letter. CPS Energy was able to address all requested changes to the schedule with the exception of the following two items:

Anaqua Springs Homeowners' Association (Anaqua Springs HOA) requested shortening the standard 20 day discovery deadline on CPS Energy's direct case to ten days (initially "calendar days" and later "business days"). During schedule negotiations, CPS Energy agreed to extend the time period between CPS Energy's direct testimony and intervenor direct testimony by over three weeks. The current proposed schedule includes eight weeks between CPS Energy's direct testimony and intervenor direct testimony (in addition to the twelve weeks that have passed since the filing of the application when the discovery period began on CPS Energy's

direct case). CPS Energy has expressed willingness to work with Anaqua Springs HOA to provide any requested documentation or discovery responses sooner than 20 days if requested and if it can be accommodated. Based on the five month period for discovery on CPS Energy's direct case, CPS Energy does not see a justifiable reason to shorten the standard discovery deadlines in the schedule proposed. Anaqua Springs HOA has informed CPS Energy that it is in agreement with the schedule but will separately request a shortening of the discovery deadline on CPS Energy's direct case.

Bexar Ranch, L.P., Clearwater Ranch POA, and Lisa Chandler and Clinton R. Chandler all expressed concern over the date proposed in the schedule for the hearing on the merits of March 1-5, 2021. Counsel for those parties are involved in another transmission line hearing the week before. Those three parties requested CPS Energy extend the jurisdictional deadline in order to accommodate a later hearing date. Because spring break for the project area and the Austin, Texas area are the weeks of March 8-12 and March 15-19, respectively, the practical extent of the request is to extend the jurisdictional deadline by over a month. CPS Energy is unable to entertain that request at this time, but will be willing to discuss the schedule further at the prehearing conference on Thursday.

Sincerely,

*/s/ Kirk Rasmussen*

Kirk D. Rasmussen

**SCENIC LOOP CCN APPLICATION (PUC DOCKET NO. 51023)**  
**PROPOSED PROCEDURAL SCHEDULE**

EVENT	DATE/DEADLINE
Application Filed <sup>1</sup>	July 22, 2020 (actual)
PUC OPDM Order No. 1	July 23, 2020 (actual)
Staff's Proposed Procedural Schedule (Per Order No. 1)	August 20, 2020 (actual)
Intervention Deadline	September 8, 2020 (actual)
Order of Referral to SOAH/Preliminary Order	September 29, 2020
Prehearing Conference/Technical Conference <sup>2</sup>	October 22, 2020
Applicant's Direct Testimony	November 6, 2020
Objections to Applicant's Direct Testimony <sup>3</sup>	November 13, 2020
Possible Settlement Conference <sup>4</sup>	November 16, 2020
Statement on Route Adequacy and Request for Route Adequacy Hearing	November 18, 2020
Responses to Objections to Applicant's Direct Testimony	November 20, 2020
Replies to Statements on Route Adequacy	November 25, 2020
Hearing on Route Adequacy (if necessary)	December 3, 2020

<sup>1</sup> Per PUC Procedural Rule 22.144(a), discovery on CPS's application was available beginning on July 23, 2020. Per PUC Procedural Rule 22.144(c), responses to discovery are due within 20 days after receipt of the request. Objections to requests for information and motions to compel and responses to motions to compel will be handled pursuant to PUC Procedural Rule 22.144(d), (e), and (f).

<sup>2</sup> Following the order memorializing the pre-hearing conference and schedule, CPS will post a copy of the current intervenor map on the project website at <https://cpsenergy.com/en/about-us/new-infrastructure/scenic-loop-project.html>.

<sup>3</sup> Note that objections to testimony are legal objections, not factual objections or disagreements with the substance of the testimony. Disagreements with a party's testimony can be addressed through testimony and cross-examination.

<sup>4</sup> If useful to the parties, CPS includes a settlement conference early in the procedural schedule before intervenor direct testimony is filed for the parties to collectively discuss and evaluate the possibility of developing a consensus route before the time and expense of testimony development. If this is not helpful or desirable to the parties, the date can be canceled. A second settlement conference is tentatively listed for January 8, 2021, following intervenor direct testimony, but before Staff testimony.

Deadline for Discovery on Applicant's Direct Case	December 30, 2020
Intervenors' Direct Testimony or Statement of Position <sup>5</sup>	January 5, 2021 <sup>6</sup>
Possible Settlement Conference	January 8, 2021
Objections to Intervenors' Direct Testimony	January 12, 2021
Deadline for Discovery on Intervenor Direct Testimony	January 12, 2021
Staff's Direct Testimony/Intervenors' Cross-Rebuttal Testimony	January 29, 2021
Objections to Staff's Direct Testimony/Intervenors' Cross-Rebuttal Testimony	February 5, 2021
Response to Objections to Staff's Direct Testimony/Intervenors' Cross-Rebuttal Testimony	February 12, 2021
Deadline for Sending Discovery on Staff's Direct Testimony/Intervenors' Cross-Rebuttal Testimony	February 12, 2021
Applicant Rebuttal Testimony <sup>7</sup>	February 12, 2021
Objections to Applicant's Rebuttal Testimony	February 17, 2021
Deadline for Serving Discovery on Applicant Rebuttal Testimony (answers subject to deadline in schedule)	February 17, 2021
Deadline for Applicant to Respond to Final Round of Discovery on Rebuttal Testimony	February 25, 2021
Deadline for Declaring Intent to Cross-Examine Intervenor Witnesses <sup>8</sup>	February 25, 2021
Prehearing Conference	February 26, 2021
Hearing on the Merits	March 1-5, 2021

<sup>5</sup> After the filing of intervenor direct testimony and statements of position, CPS will post an updated intervenor map on the project website. If any intervenors elect not to continue participating in the proceeding (following an order removing, intervenors), or if other changes occur that require modifications to the intervenor map, CPS will post revised maps on the project website.

<sup>6</sup> Discovery served on Intervenor Direct testimony is subject to a 10 calendar day response deadline.

<sup>7</sup> CPS will include workpapers with its rebuttal testimony

<sup>8</sup> It will not be necessary for parties to declare an intention to cross-examine CPS or Staff witnesses. Such witnesses will be available to all parties for cross-examination at the hearing on the merits

Post Hearing <sup>9</sup>	
Initial Briefs	March 19, 2021
Reply Briefs/FOF/COL	March 26, 2021
PFD	60 days
Exceptions/Reply to Exceptions	3 weeks
PUC Open Meeting and Decision	5 weeks
Commission Decision Due	July 22, 2021

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<sup>9</sup> Some of these dates are TBD based on the discussions of the parties and approval of the ALJs at the conclusion of the hearing and the schedule of the PUCT.