



Control Number: 51023



Item Number: 731

Addendum StartPage: 0

SOAH DOCKET NO. 473-21-0247

PUC DOCKET NO. 51028

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APPLICATION OF THE CITY OF	§	BEFORE THE STATE OFFICE
SAN ANTONIO TO AMEND ITS	§	
CERTIFICATE OF CONVENIENCE	§	OF
AND NECESSITY FOR THE	§	
SCENIC LOOP 138-KV TRANSMISSION	§	ADMINISTRATIVE HEARINGS
LINE IN BEXAR COUNTY	§	

**CPS ENERGY’S PROPOSAL FOR HEARING PROCEDURES,
FILED IN COMPLIANCE WITH SOAH ORDERS 6 AND 8**

COMES NOW the City of San Antonio, acting by and through the City Public Service Board (CPS Energy) and makes this filing to comply with the requirements of SOAH Order Nos. 6 and 8. In those orders, the Administrative Law Judges (ALJs) required the parties to confer and file proposals for addressing certain hearing procedures. This filing addresses those matters.

A. Zoom Procedures

CPS Energy understands the ALJs will be notifying the parties of the Zoom meeting ID and contact procedures. In past proceedings before the State Office of Administrative Hearings (SOAH), the ALJs arranged and provided the Zoom hearing contact procedures and information. Therefore, this filing is made with that understanding in mind and the procedures identified below are set out in accordance with such understanding.

B. Time Limits

The parties have reserved a maximum of seven days for the hearing. At six hours of hearing time per day, on average, there is anticipated to be a total of 42 hours of hearing time. CPS Energy proposes that these 42 hours be apportioned as follows: (1) CPS Energy – 12 hours; (2) PUC Staff – 5 hours; (3) Intervenors – 25 hours. Because of the volume of intervenors, some of whom are self-represented litigants, CPS Energy proposes that intervenors should coordinate among themselves the further apportionment of time and, in the event they cannot agree, **then no intervenor or formally aligned intervenor group should be permitted more than two hours of time in total.**

731

C. Designation of Witnesses

SOAH Order No. 6 had a deadline for declaring intent to cross-examine witnesses by April 28, 2021. SOAH Order No. 8, based on the proposed schedule submitted by CPS Energy, moved that deadline to April 30, 2021. With the pre-hearing conference set for April 30, 2021, it would be more efficient for parties to make a filing stating an intent to cross-examine witnesses by April 28, 2021. CPS Energy respectfully requests the date for declaring an intent to cross-examine witness be moved back to April 28, 2021.

D. Procedures for Filing and Exchanging all Exhibits Prior to the Hearing

Counsel for CPS Energy has maintained a ShareFile site for the exchange of documents for the parties throughout this proceeding. CPS Energy proposes establishing a similar ShareFile site, maintained by the law firm of Jackson Walker, at which all parties can upload their exhibit lists and intended exhibits. Then, all uploaded exhibit lists and exhibits can be accessed by all parties, the court reporter, and the ALJs. CPS Energy proposes that all exhibit lists be filed on the PUC Interchange by 3:00 pm on April 29, 2021, and that all anticipated exhibits, including cross-examination exhibits, must be uploaded to the dedicated ShareFile site by the parties by **10:00 am on April 30, 2021.**

E. Handling of Confidential Documents

Only two parties have identified confidential materials in their prefiled testimony and exhibits. CPS Energy does not anticipate using confidential documents during the hearing and will coordinate with those parties filing confidential materials to determine if there is a means to avoid the need for confidential submissions. However, to the extent the parties cannot agree to such, then a separate folder can be established on the ShareFile exhibit site for confidential exhibits, and access to such shall be limited to persons that have signed the protective order certification in this case. If confidential exhibits are used during the hearing, the ALJs will be required to establish a separate Zoom breakout room for such closed proceedings, during which only persons bound by the protective order certifications may participate.

F. Calling of Witnesses

It is the responsibility of any party presenting a witness to ensure that the witness is on the Zoom call, by video, at the time such witness is called to offer testimony. If cross-examination is waived for any witness, that witness shall not be required to appear.

G. Ensuring that Witnesses have Access to all Documents Necessary for Participation

It is the responsibility of any party presenting a witness to (1) coordinate with counsel for CPS Energy to ensure that the witness has been granted access to the Jackson Walker ShareFile site and (2) to ensure the witness has the necessary technology, hardware, and internet access to be able to access the Jackson Walker ShareFile site during the hearing, particularly during the witness's testimony.

H. Providing Record and Appeals Copies of Exhibits to SOAH and the Court Reporter

The parties shall not be required to serve hardcopies on any other parties so long as they have uploaded accurate copies of all hearing exhibits to the ShareFile site maintained by Jackson Walker. In addition to uploading exhibits electronically, however, CPS Energy recognizes that the court reporters with Kennedy Reporting will need one physical hardcopy and one electronic copy of all exhibits and SOAH will require physical hardcopies for the appeal record and the Administrative Law Judges may desire hardcopies of exhibits prior to the hearing on the merits. CPS Energy recommends the ALJs direct the parties regarding provision of hard copies and the deadlines by which such should be provided.

I. Processes that may Streamline the Hearing, Including Waiver of Witnesses

CPS Energy's request in Paragraph C to re-set April 28, 2021, as the deadline for parties to declare an intent to cross-examine intervenor witnesses will hopefully make the hearing more efficient, along with other procedures to be discussed at the 10:00 am April 30, 2021, prehearing conference. At this time, CPS Energy has no additional proposals in this regard.

Respectfully submitted,

/s/ Kirk D. Rasmussen

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ATTORNEYS FOR CPS ENERGY

CERTIFICATE OF SERVICE

I certify that a copy of this document was served on all parties of record on this date via the Commission's Interchange in accordance with SOAH Order No. 3.

/s/ Craig R. Bennett

Craig R. Bennett