



Control Number: 51415



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SOAH DOCKET NO. 473-21-0538
PUC DOCKET NO. 51415



APPLICATION OF SOUTHWESTERN § BEFORE THE STATE OFFICE
ELECTRIC POWER COMPANY FOR § OF
AUTHORITY TO CHANGE RATES § ADMINISTRATIVE HEARINGS

SOAH ORDER NO. 4
GRANTING MOTION TO INTERVENE; GRANTING MOTION TO CONSOLIDATE
RATE ACTION; ADDRESSING HEARING PROCEDURES; ADDRESSING BRIEFING
OUTLINE AND BRIEFING PROCEDURES

I. MOTION TO INTERVENE

On January 19, 2021, East Texas Electric Cooperative, Inc. and Northeast Texas Electric Cooperative, Inc. (collectively ETEC/NTEC) filed a motion to intervene. No party filed a timely objection to ETEC/NTEC's motion. The motion to intervene filed by ETEC/NTEC is **GRANTED**.

II. APPEAL OF MUNICIPAL DECISION

On January 21, 2021, Southwestern Electric Power Company (SWEPCO) filed its Fourth Petition for Review of the Resolution of the City of East Mountain and Motion to Consolidate (Petition). SWEPCO states that the City of East Mountain cities adopted a resolution that denied SWEPCO's rate application and kept the existing rates in effect. In its Petition, SWEPCO requests that its appeal of the City of East Mountain resolution be consolidated with this docket. SWEPCO states this appeal involves issues of law and fact common to those involved in this Docket No. 51415, and a separate hearing of these appeals and Docket No. 51415 would result in unwarranted expenses, delay, or substantial injustice. Based on SWEPCO's Petition, the appeal of the resolution by the City of East Mountain is **CONSOLIDATED** for review into this docket.

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III. HEARING PROCEDURES

The hearing on the merits is scheduled to commence on Wednesday May 19, 2021. No later than May 18, 2021, the parties **SHALL** confer and submit an agreed report addressing the following hearing procedures:

- Witnesses who will be waived from cross-examination.
- The order of party and witness presentation, including witness panels, if any.
- Phasing the hearing into revenue requirement and cost allocation/rate design.
- Any other hearing procedures the parties wish to propose.

IV. BRIEFING OUTLINE AND BRIEFING PROCEDURES

No later than May 18, 2021, SWEPCO **SHALL** file a joint proposed briefing outline developed in consultation with the other parties. The purpose of the briefing outline will be to set the table of contents that will be used by the parties for their post-hearing briefs. The proposed briefing outline should account for each of the 85 issues set out in the Preliminary Order issued on December 17, 2020. An example of a base rate case briefing outline may found in *Application of AEP Texas Inc. for Authority to Change Rates*, SOAH Docket No. 473-19-4421, PUC Docket No. 49494 at SOAH Order No. 8, issued on August 29, 2019.

SWEPCO, as the applicant, shall provide a response to each issue listed in the briefing outline in its initial brief. Other parties may respond to the issues that they deem necessary to support their positions. In their briefs, parties other than SWEPCO should omit outline headings for issues they do not address, but should not change the letter or number the agreed outline assigns to issues they address. Parties may add additional levels of subheadings for issues requiring longer discussion. Parties are encouraged to submit joint briefs, proposed findings of fact (FoFs), proposed conclusions of law (CoLs), and proposed ordering paragraphs (OPs) to the extent they agree on issues. Arguments shall not be submitted with the FoFs, CoLs, or OPs.

All initial briefs and reply briefs that are more than five pages long shall have a table of contents with page numbers. Reply briefs shall be limited to responding to other parties' initial briefs and shall clearly identify the initial brief (by party) and specific portion thereof (by heading or page numbers) to which the reply brief is responding.


All factual assertions in briefs shall be supported by evidence admitted at the hearing for which a specific citation is provided in footnotes. To avoid confusion, if different page numbers appear on a page of an exhibit being cited, the parties shall cite to the bates-numbered pages, if any. Where necessary, the parties should identify which type of page number is being cited in its initial footnote citing that exhibit.

The Administrative Law Judges (ALJs) may consider waived any statement or argument set forth in a brief to the extent that it: (1) lacks accurate citations to the evidence and law; or (2) is in a party's reply brief but should have been in its initial brief. The parties shall file their initial and reply briefs and proposed FoFs, CoLs, and OPs with the Commission in compliance with the Commission's filing requirements. In addition, the parties shall promptly email a copy of such filings in Word format to Nadia.Martinez@soah.texas.gov. The parties are also requested to email in Word format to Ms. Martinez a copy of the version of their prefiled testimony (which may exclude exhibits) that was admitted in evidence which reflects any revisions pursuant to errata. The electronic name of each Word document emailed to Ms. Martinez should indicate what the document is, *e.g.*, [party name] Initial Brief, [witness name] Direct Testimony, or [party name] [exhibit number assigned to that testimony].


Parties shall try to avoid filing any portion of their briefs confidentially by discussing exhibits covered by the Protective Order in a way that does not reveal protected information and referring the ALJs to the protected exhibits or the confidential portions of the transcripts for more detail. Before filing a brief summarizing protected information received from another party, the filing party shall consult with that other party as needed to ensure the summary does

not reveal protected information. If a party must file part of its brief under seal, it shall do so in compliance with the Protective Order and the Commission's rules relating to confidential filings.

SIGNED February 23, 2021.



STEVEN H. NEINAST
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS



ROBERT H. PEMBERTON
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS