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SOAH DOCKET NO. 473-21-2528
PUC DOCKET NO. 52153

2021 JUN 29 PM 2:30

APPLICATION OF TEXAS-NEW § BEFORE THE STATE OFFICE
MEXICO POWER COMPANY TO §
ADJUST ITS ENERGY EFFICIENCY § OF
COST RECOVERY FACTOR AND §
RELATED RELIEF § ADMINISTRATIVE HEARINGS

SOAH ORDER NO. 2
MEMORALIZING PREHEARING CONFERENCE; FINDING APPLICATION AND
NOTICE SUFFICIENT; ADOPTING PROCEDURAL SCHEDULE AND
PROCEDURES; SETTING ZOOM HEARING; AND REQUIRING PROCEDURES

I. SUFFICIENCY OF APPLICATION AND NOTICE

On June 17, 2021, the undersigned Administrative Law Judge (ALJ) held a prehearing conference. A record was taken and all parties appeared and made announcements on the record. No party objected to the sufficiency of the application or notice by the deadline. Having heard no objection to Texas-New Mexico Power Company's (TNMP) Application, and having considered the recommendation of staff of the Public Utility Commission of Texas that TNMP's notice be found sufficient, the ALJ **DEEMED** TNMP's application and notice to be sufficient.

I. ADOPTING PROCEDURAL SCHEDULE AND PROCEDURES

In response to the COVID-19 pandemic, the State Office of Administrative Hearings (SOAH) has temporarily discontinued most non-emergency, in-person hearings, and hearings are being convened remotely. Accordingly, the Administrative Law Judge (ALJ) will conduct the hearing in this case using the Zoom videoconference platform (Zoom). Unless a party has a court reporter transcribe the hearing, the ALJ will make an audio recording of the hearing that will be the official record of the proceeding.

The parties proposed an agreed-upon procedural schedule that provides for the ALJ to issue a proposal for decision by November 15, 2021: The following procedural schedule is **ADOPTED** and governs this case:

EVENT	DATE
Deadline to Intervene	July 5, 2021
Deadline to Request Hearing	July 5, 2021
IF NO HEARING REQUESTED:	
Staff's Recommendation	
IF HEARING REQUESTED:	
Event	
Objections to TNMP's Direct Testimony	July 1, 2021
Discovery end on TNMP's Direct Testimony	July 9, 2021
Replies to Objections to TNMP's Direct Testimony	July 8, 2021
Intervenor Direct Testimony	July 15, 2021
Objections to Intervenor Direct Testimony	July 22, 2021
Staff Direct Testimony	July 23, 2021
Replies Objections to Intervenor Direct Testimony	July 29, 2021
Discovery Ends On Intervenor Direct Testimony	August 2, 2021
Objections to Staff Direct Testimony	July 30, 2021
TNMP Rebuttal and Staff/Intervenor Cross Rebuttal	August 4, 2021
Discovery Ends on Rebuttal and Cross Rebuttal	August 11, 2021
Replies to Objections to Staff Direct Testimony	August 6, 2021
Hearing on the Merits	August 26, 2021
Briefs	September 6, 2021
Reply Briefs	September 16, 2021
PFD	November 15, 2021
Final Order	January 5, 2022
Compliance Tariff- within 10 days of final order and 45 days before March 1, 2022	January 15, 2022
Effective Date	March 1, 2022

II. SETTING ZOOM HEARING

If a hearing is requested, the undersigned ALJ will convene a hearing **via the Zoom videoconferencing platform on August 26, 2021, at 9:00 a.m.**

Access via computer. To access the conference, go to <https://soah-texas.zoomgov.com/> or the Zoom application on your mobile device, then select “Join a Meeting,” and enter the following information when prompted:

Meeting ID: 161 077 5478
Passcode: VdC6ej

Access via telephone. If you do not have access to a device that would allow videoconferencing capabilities, you may join by telephone by calling either number below and entering the following Meeting ID and passcode. Note that the passcode to join by telephone is different than the passcode to join via a computer or smart device.

(669) 254-5252 or (646) 828-7666

Meeting ID: 161 077 5478
Passcode: 013021

You may access information for participating in a zoom meeting at www.zoom.us under the “support” tab.

III. REQUIRING PROCEDURES

It is further **ORDERED** that the following actions shall be taken **no later than August 19, 2021, at NOON:**

1. TNMP **SHALL** file a list of persons who have signed the Protective Order.
2. Each party **SHALL** file a witness list identifying and providing contact information for all witnesses the party expects to call to testify during the hearing. The party shall also identify its witnesses, if any, for whom all other parties waived cross-examination.
3. Each party **SHALL** file a list of all exhibits it intends to offer at the hearing (including, for example, on cross-examination). The list shall identify any exhibit containing Protected Materials or Highly Sensitive Protected Materials under the Protective Order issued in this case.
4. The parties **SHALL** deliver to the ALJ at SOAH Room 504, 5th Floor, William P. Clements Building, 300 West 15th Street, Austin, Texas, 78701, *the ALJ's copy, the record copy, and two appeal copies* of all exhibits (including those containing Protected Materials or Highly Sensitive Protected Materials) the party intends to offer. If a court reporter will transcribe the hearing, the parties **SHALL**, after consulting the court reporter about how to do so, provide *the record copy* of its exhibits instead to the court reporter, along with the party's witness list and exhibit list.
5. The parties **SHALL** exchange a marked copy of all exhibits not containing Protected Materials or Highly Sensitive Protected Materials that they intend to offer at the hearing. In compliance with 16 TAC § 22.71(d) and the Protective Order, any party intending to offer exhibits containing Protected Materials or Highly Sensitive Protected Materials **SHALL** also provide those exhibits to the other parties who have signed the Protective Order.¹

All exhibits **SHALL** be marked with the offering party's name and the exhibit number. Exhibits should be numbered sequentially, and multipage documents shall be paginated or Bates-stamped. Exhibits not meeting a requirement in this order may not be admitted into the record absent good cause.

Prior to the hearing, the parties **SHALL** provide to witnesses all documents necessary for their effective participation in the hearing. Parties should also speak to the witnesses they intend to call to testify and provide them the necessary videoconferencing information.

¹ The parties may agree among themselves on the method of delivery to each other and may agree to forego delivery to each other of marked copies of exhibits they have already received, relying on the exhibit lists to identify the offering party and exhibit number.

A party who experiences technical difficulties with joining the hearing should contact SOAH's Docketing Division at (512) 475-4993, or the ALJ's legal secretary, Taryn Lovett, at (512) 475-4725 or Taryn.Lovett@soah.texas.gov. Routine procedural and logistical questions may also be directed to Ms. Lovett. SOAH support personnel may not provide advice or interpret orders or other legal authorities for the parties. Emails sent to any person at SOAH **SHALL** be copied to all parties.

SIGNED: June 29, 2021.



SRINIVAS BEHARA
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS