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SOAH DOCKET NO. 473-21-2606

PUC DOCKET NO. 52195

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APPLICATION OF EL PASO
ELECTRIC COMPANY TO
CHANGE RATES

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BEFORE THE STATE OFFICE
OF
ADMINISTRATIVE HEARINGS

AGREED SCHEDULE

On behalf of itself, the Staff of the Public Utility Commission, and the entities that have filed motions to intervene as of 3:00 p.m. today,¹ El Paso Electric Company (EPE) proposes the following agreed schedule, including certain agreements regarding discovery and service. This Agreed Schedule is premised on new rates relating back to November 3, 2021, (the 155th day after the case was filed), and with such understanding by the parties, EPE agrees to an extension of the 185-day jurisdictional deadline applicable to the Public Utility Commission of Texas (PUCT or Commission) until May 31, 2022.

EVENT	DATE
• Filing date	June 1, 2021
• Intervention deadline	September 15, 2021
• Deadline for serving written discovery on EPE direct case	October 13, 2021² (Wednesday)
• Intervenors' direct testimony^{3 4} • Objections to EPE's direct testimony	October 22, 2021 (Friday)

¹ Such entities are the Office of Public Utility Counsel, the City of El Paso, the University of Texas at El Paso, Texas Industrial Energy Consumers, Freeport-McMoRan, Inc., and Texas Cotton Ginners Association.

² Deadlines for discovery shall mean the last day to send written discovery. After October 13, 2021, Staff and Intervenors can submit 10 additional discovery questions, counting all subparts, to EPE on or before October 22, 2021.

³ Intervenors agree to serve courtesy copies of testimony to each other and to EPE by email in a word searchable format on the date filed.

⁴ Parties agree to file and serve workpapers one day after filing testimony.

<ul style="list-style-type: none"> • Staff's direct testimony⁴ • Objections to Intervenor's direct testimony • Replies to objections to EPE's direct testimony 	October 29, 2021 (Friday)
<ul style="list-style-type: none"> • Replies to objections to Intervenor's direct testimony • Objections to Staff's direct testimony 	November 5, 2021 (Friday)
<ul style="list-style-type: none"> • Effective date for new rates pursuant to relate back provision of new PURA Section 36.211. 	November 3, 2021 (Wednesday)
<ul style="list-style-type: none"> • Cross-rebuttal testimony (Staff and Intervenor's)⁴ • EPE's rebuttal testimony⁴ • Deadline for serving written discovery on Staff and Intervenor direct testimony • Replies to objections to Staff's direct testimony 	November 19, 2021 (Friday)
<ul style="list-style-type: none"> • Objections to cross-rebuttal and EPE rebuttal testimony 	December 1, 2021 (Wednesday)
<ul style="list-style-type: none"> • Deadline for serving discovery on cross-rebuttal and EPE's rebuttal testimony, and deadline for all depositions • Replies to objections to cross-rebuttal and EPE rebuttal testimony 	December 15, 2021 (Wednesday)
<ul style="list-style-type: none"> • 185th Day 	December 3, 2021
<ul style="list-style-type: none"> • Prehearing Conference (via Zoom) 	January 5, 2022 (Wednesday)
<ul style="list-style-type: none"> • Hearing on the Merits (via Zoom) 	January 10, 2022 – January 19, 2022 (January 17, 2022 is not available as a hearing date as it is MLK day)
<ul style="list-style-type: none"> • brief 	February 4, 2022

• reply brief	February 18, 2022
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Discovery Agreements

1. Drafts of testimony and emails that include drafts of testimony as attachments are not discoverable.
2. Requests for Information (RFI) shall be limited to no more than 50 questions per party per day, with each subpart counting as a question. Parties will serve RFIs on other parties in a word searchable format.
3. For discovery on EPE's direct case, responses shall be due within 20 calendar days of receipt. For discovery on Intervenor and Staff direct testimony:
 - a. Responses to RFIs shall be due within five working days of receipt.
 - b. Objections to RFIs shall be due within five working days of receipt.
 - c. Motions to compel shall be due within three working days of receipt of the objections.
 - d. Responses to motions to compel shall be due within three working days of receipt of the motion to compel.
4. For discovery on EPE's rebuttal testimony and Intervenor and Staff cross-rebuttal testimony:
 - a. Responses shall be due within five working days of receipt.
 - b. Objections to RFIs shall be due within four working days of receipt.
 - c. Motions to compel shall be due within three working days of receipt of the objection.
 - d. Responses to motions to compel shall be due within three working days of receipt of the motion to compel.
5. The 3:00 p.m. deadline imposed 16 Texas Administrative Code (TAC) § 22.144(b)(2) (for determining the day a RFI is considered to have been received) is 3:00 p.m. Central Prevailing Time (i.e., 2:00 p.m. Mountain Prevailing Time).
6. November 24, 2021, November 25, 2021, and November 26, 2021 will not be considered working dates for purposes of discovery due to the Thanksgiving holiday.

Agreements Regarding Service of Discovery and Pleadings

1. Service of Unprotected Pleadings, Discovery Requests, and Testimony:

As allowed by 16 TAC § 22.74(c)(4) as a means of service, service of pleadings, discovery requests or testimony not subject to designation as either Protected or Highly Sensitive Protected under the Protective Order (Unprotected) shall be accomplished by serving a copy by email to the email address provided by the party being served.

2. Service of Protected and Highly Sensitive Protected Pleadings, Discovery Requests, and Testimony:

Parties shall serve copies of Protected and Highly Sensitive Protected pleadings, discovery requests, and testimony by email only to those parties who have signed the protective order in accordance with the Order Suspending Rules in Docket No. 50664.

3. Service of Discovery Responses:

a) **EPE's Responses:** EPE will serve copies of discovery responses, including Protected and Highly Sensitive Protected discovery responses, through the use of a secure, password protected electronic workspace that allows access to the particular document. EPE will notify parties by email when the document may be accessed.

b) **Responses by Parties other than EPE:** Parties other than EPE will serve copies of Protected and Highly Sensitive Protected discovery responses by email only to those parties who have signed the protective order in accordance with the Order Suspending Rules in Docket No. 50664.

4. Service by Email:

To the extent that service is being accomplished by email as provided under Paragraph 1 and 3(b) above, service shall be complete upon sending an email message with the pleading or document attached to the message to the email address provided by the party being served. Any party serving a document electronically must include the Commission docket number and a description of the document(s) in the subject line of the email transmitting the document.

EPE requests that the Administrative Law Judge adopt this agreed schedule and the agreements regarding discovery and service presented above.

Respectfully Submitted,

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By: Bret J. Slocum
Bret J. Slocum

**ATTORNEYS FOR
EL PASO ELECTRIC COMPANY**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served via email on all parties of record in this proceeding on June 24, 2021.

Bret J. Slocum
Bret J. Slocum