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**SOAH DOCKET NO. 473-21-2531
PUC DOCKET NO. 52199**

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**APPLICATION OF AEP TEXAS INC. § BEFORE THE STATE OFFICE
TO ADJUST ITS ENERGY §
EFFICIENCY COST RECOVERY § OF
FACTOR AND RELATED RELIEF § ADMINISTRATIVE HEARINGS**

**SOAH ORDER NO. 1
DESCRIPTION OF CASE; FILING DEADLINES; PROTECTIVE ORDER; SETTING
OF PREHEARING CONFERENCE, IF NECESSARY; OTHER PROCEDURES**

I. DESCRIPTION OF CASE

On June 1, 2021, AEP Texas Inc. (AEP Texas) filed an application to adjust its energy efficiency cost recovery factor (EECRF) and for other related relief pursuant to 16 Texas Administrative Code (TAC) §§ 25.181 and .182. The Public Utility Commission of Texas (Commission) has jurisdiction over this application pursuant to Texas Utilities Code § 39.905. On June 3, 2021, the Commission referred this case to the State Office of Administrative Hearings (SOAH), requesting the assignment of an Administrative Law Judge (ALJ) to conduct a hearing and issue a proposal for decision (PFD), if such is necessary, and provided a preliminary order listing the issues to be addressed in this docket. SOAH has jurisdiction over matters relating to the conduct of the hearing in this proceeding pursuant to Texas Utilities Code § 14.053 and Texas Government Code § 2003.049.

II. COMMENTS ON SUFFICIENCY

Commission staff (Staff) shall, and any other party may, file its comments on the sufficiency of AEP Texas's proposed notice no later than **June 9, 2021**. Staff shall, and any other party may, file its comments on the sufficiency of AEP Texas's application for purposes of further review no later than **June 15, 2021**.

III. PROTECTIVE ORDER

The Commission's standard protective order, filed as Attachment B to AEP Texas's application, is **ADOPTED** and applies to this case.

IV. PROCEDURAL SCHEDULE AND SETTING OF PREHEARING CONFERENCE

In its application, AEP Texas proposes a procedural schedule.¹ The parties are encouraged to confer about the procedural schedule and to file an agreed procedural schedule, if any, before the prehearing conference. Such a filing may include a request to cancel the prehearing conference.

The schedule should: (1) include filing deadlines for any post-hearing initial and reply brief and proposed findings of fact, conclusions of law, and ordering paragraphs;² (2) allow 60 days after the record closes for the ALJ to prepare a PFD;³ and (3) allow sufficient time for the Commission to issue a final order in compliance with 16 TAC § 25.182. Under 16 TAC § 25.182(d)(9)(D) and (E), if no hearing is requested within 30 days after the application was filed, the procedural schedule must allow the Commission to issue a final order within 90 days after a sufficient application was filed. If a hearing is requested within 30 days, the procedural schedule must allow the Commission to issue a final order within 180 days after a sufficient application was filed. The hearing must be no earlier than the first working day after the 45th day after a sufficient application was filed. The parties should also account for the deadlines specified in 16 TAC § 25.182(d)(9)(B):

The presiding officer shall set a procedural schedule that will enable the utility to file an EECRF compliance tariff consistent with the final order within ten days of the date of the final order. The procedural schedule shall also provide that the

¹ The ALJ is available for a hearing on the merits on August 10, as proposed, as well as August 9 and 11, but not August 12 or 13.

² If a hearing is held, the ALJ expects to require AEP Texas, and to allow any other party, to file proposed findings of fact, conclusions of law, and ordering paragraphs.

³ The record closes on the last day a post-hearing brief or proposed findings of fact, conclusions of law, and ordering paragraphs are filed.

compliance filing date will be at least 45 days before the effective date of March 1. In no event shall the effective date of any new or adjusted EECRF occur less than 45 days after the utility files a compliance tariff consistent with a final order approving the new or adjusted EECRF.

The ALJ will convene a telephonic prehearing conference at **1:30 p.m. on June 16, 2021.**

The dial-in information is:

Austin: (512) 807-0005

Or Toll Free: (855) 999-5357

Conference ID: 704-9744

The following matters will be discussed at the prehearing conference:

1. Pending motions filed **no later than June 15, 2021;**
2. A procedural schedule; and
3. Any other matters that may assist in the disposition of this proceeding in a fair and efficient manner.

V. DISCOVERY AND OTHER PROCEDURAL MATTERS

Discovery may begin immediately pursuant to subchapter H of the Commission's procedural rules. The following deadlines shall apply to discovery matters in this case:


- Responses to requests for information (RFIs) shall be filed within **10 calendar days** of receipt;
- Objections to RFIs shall be filed within **five working days** of receipt;
- Motions to compel shall be filed within **two working days** of receipt of objections; and
- Responses to motions to compel shall be filed within **two working days** of receipt.

Because this case has a regulatory deadline, unless otherwise specified, responses to any motion or other pleading shall be filed with **three working days** from receipt of the pleading to which the response is made.

All pleadings shall be filed with the Commission's filing clerk, not with the SOAH filing clerk.

Routine procedural and logistical questions may be directed to the ALJ's administrative assistant, Nadia Martinez, at 512-936-0724 or nadia.martinez@soah.texas.gov. SOAH support personnel may not provide advice or interpret orders or regulations for the parties.

SIGNED June 4, 2021.



CHRISTIAAN SIANO
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS