



Filing Receipt

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SOAH DOCKET NO. 473-22-1073
PUC DOCKET NO. 52485

APPLICATION OF SOUTHWESTERN	§	BEFORE THE STATE OFFICE
PUBLIC SERVICE COMPANY TO	§	
AMEND ITS CERTIFICATE OF	§	
CONVENIENCE AND NECESSITY TO	§	OF
CONVERT HARRINGTON	§	
GENERATING STATION FROM COAL	§	
TO NATURAL GAS	§	ADMINISTRATIVE HEARINGS

SOAH ORDER NO. 3
ADOPTING PROCEDURAL SCHEDULE; SETTING HEARING ON THE MERITS

I. PROCEDURAL SCHEDULE

On January 11, 2022, Southwestern Public Service Company (SPS), on behalf of the parties, filed a joint proposed procedural schedule. The following procedural schedule proposed by the parties, with the addition of a prefiling deadline to accommodate holding the hearing by Zoom videoconference, is **ADOPTED** and will govern this proceeding.¹

Event	Date
Settlement Conference	February 28, 2022
Deadline to Serve Written Discovery on SPS Direct Testimony	February 28, 2022
Intervenor Direct Testimony	March 25, 2022
Objections to Intervenor Direct	April 5, 2022
Staff Direct Testimony	April 5, 2022
Settlement Conference	April 8, 2022
End of Discovery on Intervenor Direct	April 11, 2022
Objections to Staff Direct	April 12, 2022

¹ This order does not include dates in the parties' proposed procedural schedule that have already passed.

Replies to Objections to Intervenor Direct	April 12, 2022
End of Discovery on Staff Direct	April 13, 2022
SPS Rebuttal Testimony and Intervenor and Staff Cross-Rebuttal Testimony	April 13, 2022
Replies to Objections to Staff Direct	April 13, 2022
Settlement Conference	April 14, 2022
Objections to Rebuttal/Cross-Rebuttal	April 20, 2022
End of Discovery on Rebuttal/Cross-Rebuttal	April 20, 2022
Pre-filing of hearing documents, including parties' exhibits and witness lists (see requirements below)	April 25, 2022 (NOON)
Replies to Objections to Rebuttal/Cross-Rebuttal	Live at Hearing
Hearing on the Merits (by Zoom videoconference)	April 26-28, 2022
Initial Briefs	May 11, 2022 ²

No later than NOON on April 25, 2022, the parties **SHALL** comply with the following prefiling deadlines:

1. SPS **SHALL** arrange to have a court reporter transcribe the hearing.
2. SPS **SHALL** file a list of persons who have signed the Protective Order.
3. Each party **SHALL** file a witness list identifying 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 have waived cross-examination.
4. 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

² The parties' proposed procedural schedule did not include a deadline for Reply Briefs. The Administrative Law Judges will set a deadline for Reply Briefs at the hearing after consultation with the parties.

containing Protected Materials or Highly Sensitive Protected Materials under the Protective Order issued in this case.

5. The parties **SHALL** deliver to the Administrative Law Judges (ALJs) at the State Office of Administrative Hearings (SOAH), Room 504, 5th Floor, William P. Clements Building, 300 West 15th Street, Austin, Texas, 78701, *three copies (one ALJ's copy and two appeals copies)* of all exhibits the party intends to offer.
6. The parties **SHALL** deliver to the court reporter, after consulting with the court reporter about how to do so, *two copies (one record copy and one court reporter's copy)* of all exhibits the party intends to offer, along with a copy of the party's witness list and exhibit list.
7. The parties **SHALL** exchange with each other 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 Tex. Admin. Code § 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.³

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.

³ 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.

Additionally, the ALJs **ADOPT** the following special provisions agreed to by the parties, which shall be in effect in this proceeding:

1. The parties agree to service by email and that SPS may serve discovery responses through electronic means.
2. Drafts of testimonies and emails transmitting drafts of testimonies are not discoverable.
3. Workpapers are due 1 working day after filing of testimony.
4. For written discovery on SPS direct testimony:
 - a. Responses are due within 10 working days of the discovery request;
 - b. Objections are due within 5 working days of the discovery request;
 - c. Motions to compel are due within 3 working days of an objection; and
 - d. Responses to motions to compel are due within 3 working days of the motion to compel.
5. For written discovery on Intervenor and Staff Direct Testimony:
 - a. Responses are due within 7 working days of the discovery request;
 - b. Objections are due within 5 working days of the discovery request;
 - c. Motions to compel are due within 3 working days of an objection; and
 - d. Responses to motions to compel are due within 3 working days of the motion to compel.
6. For written discovery on SPS Rebuttal Testimony and Staff and Intervenor Cross-Rebuttal Testimony:
 - a. Responses are due within 4 working days of the discovery request;
 - b. Objections are due within 3 working days of the discovery request;
 - c. Motions to compel are due within 2 working days of an objection; and
 - d. Responses to motions to compel are due within 2 working days of the motion to compel.

II. SETTING HEARING ON THE MERITS

The hearing on the merits will convene at **9:00 a.m. on April 26, 2022, and continue as necessary through April 28, 2022, via Zoom videoconference.** To access the hearing, go to <https://soah-texas.zoomgov.com/> or the Zoom application on your mobile device, select “Join a Meeting,” and enter the following information when prompted:

Meeting ID: 161 864 1965

Passcode: z54kAg

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.

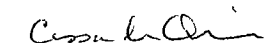
Phone: (669) 254-5252 or (646) 828-7666

Meeting ID: 161 864 1965

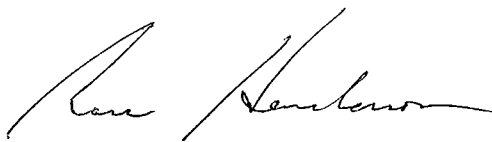
Passcode: 420996

You may access information for participating in a Zoom meeting at www.zoom.us under the “support” tab. A person who experiences technical difficulties with joining the hearing should contact SOAH’s Docketing Division at (512) 475-4993.

SIGNED January 24, 2022.



CASSANDRA QUINN
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS



ROSS HENDERSON
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS