



Filing Receipt

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**SOAH DOCKET NO. 473-22-1661
PUC DOCKET NO. 52929**

NOTICE OF VIOLATION BY OCI	§	BEFORE THE STATE OFFICE
ALAMO 1, LLC FOR VIOLATIONS OF	§	
16 TAC § 25.55 CONCERNING WINTER	§	OF
WEATHER READINESS REPORTING	§	
REQUIREMENTS	§	ADMINISTRATIVE HEARINGS

**SOAH ORDER NO. 1
FILING DESCRIPTION; SETTING PREHEARING CONFERENCE;
OTHER PROCEDURES**

I. FILING DESCRIPTION

On December 8, 2021, the Public Utility Commission of Texas (Commission) staff filed a notice of violation against OCI Alamo 1 LLC, alleging a violation of 16 Tex. Admin. Code (TAC) § 25.55(c)(2), and seeking an administrative penalty.

The Commission has jurisdiction over this proceeding pursuant to Texas Utilities Code §§ 14.001, 14.051, 15.023-.027, 39.001, and 35.0021 and 16 Texas Administrative Code §§ 22.246, 25.8, and 25.55. On February 9, 2022, the Commission referred this case to the State Office of Administrative Hearings (SOAH), requesting assignment of an Administrative Law Judge (ALJ) to conduct a hearing and issue a proposal for decision, if necessary. The Commission issued its Preliminary Order on February 23, 2022, identifying the issues to be addressed in this proceeding. SOAH has jurisdiction over matters relating to the conduct of the hearing in this case pursuant to Texas Government Code § 2003.049 and Texas Utilities Code § 14.053.

II. PREHEARING CONFERENCE

In response to COVID-19, SOAH is conducting non-emergency contested cases predominantly by telephone or videoconference, and it is not clear when and to what extent in-person hearings will resume. Accordingly, the prehearing conference in this case will be held via telephone. Unless a party has a court reporter transcribe the prehearing conference, the ALJ will make an audio recording that will be the official record of the prehearing conference.

Due to concerns regarding the coronavirus, SOAH has suspended most non-emergency in person hearings. Accordingly, the prehearing conference in this proceeding will be convened **telephonically at 10:00 a.m. on March 23, 2022**. The parties shall use the following call-in information to access the prehearing conference:

- **Call-in Information:**

(512) 807-0005 or (855) 999-5357

- **Meeting ID:**

800-0716

At the prehearing conference, the following matters will be discussed:

1. Pending motions filed by 3:00 p.m. on March 22, 2022;
2. The burden of proof;
3. Whether this case may be efficiently resolved in whole or in part through procedures such as stipulations or limitation of the scope of the hearing;
4. Whether the parties are interested in mediating this dispute;¹
5. A procedural schedule; and
6. Any other matters that may assist in the disposition of this case in a fair and efficient manner.

The parties may confer before the prehearing conference regarding the procedural schedule that will apply in this case. Any proposed procedural schedule must include, at a minimum, deadlines for stipulations of uncontested matters, discovery, and prefiled testimony; three alternative dates in different weeks for the hearing on the merits; and deadlines for post-hearing briefs. If the parties are able to agree to a procedural schedule, they may file an agreed schedule **no later than 3:00 p.m. on March 21, 2022**, and request to cancel the prehearing conference. If

¹ Information about mediation at SOAH is available at <http://www.soah.texas.gov/Hearings-And-Mediation/mediation.html>.

such an agreed motion is filed, the prehearing conference will be canceled without further order by the ALJ.

III. OTHER PROCEDURES

The Commission's procedural rules govern this case except as modified by the Commission or SOAH.² In response to COVID-19, the Commission has ordered that all parties must file any document solely through the Interchange on the Commission's website and provide notice, by email, to all other parties that the document has been filed, unless otherwise ordered by the presiding officer.³ All filings must contain both the SOAH and Commission docket numbers.

Unless otherwise specified in the Commission's procedural rules or an order issued in this case, responses to a motion or other pleading **SHALL** be filed within **five working days** from receipt of the motion or pleading. If a party does not respond to a motion, the ALJ will assume that the party agrees with the motion or does not oppose the requested relief.

A party who experiences technical difficulties with joining a Zoom proceeding in this case should contact SOAH's Docketing Division at (512) 475-4993, or the ALJ's legal secretary, Nadia Martinez, at 512-936-0724 or Nadia.Martinez@soah.texas.gov. Routine procedural and logistical questions may also be directed to Ms. Martinez. SOAH support personnel may not provide advice or interpret orders or other legal authorities for the parties.

SIGNED February 25, 2022.



DANIEL WISEMAN
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS

² The Commission's procedural rules are available at: <https://www.puc.texas.gov/agency/rulesnlaws/procrules/Procedural.aspx>.

³ The Commission's order is available at: http://interchange.puc.texas.gov/Documents/50664_205_1075813.PDF. The parties should review the Commission's website, <https://www.puc.texas.gov/>, and SOAH's website, <http://www.soah.texas.gov/>, for the latest information on how COVID-19 is impacting Commission and SOAH procedures.