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BEFORE THE
STATE OFFICE OF ADMINISTRATIVE
HEARINGS

**APPLICATION OF AEP TEXAS INC. FOR APPROVAL OF A WHOLESALE
DISTRIBUTION SERVICE DISTRIBUTED GENERATION ENERGY
STORAGE TARIFF**

SOAH ORDER NO. 1

**FILING DESCRIPTION; JURISDICTION; NOTICE AND SUFFICIENCY OF
APPLICATION; SUSPENDING EFFECTIVE DATE; SETTING
PREHEARING CONFERENCE; AND PROCEDURES**

I. FILING DESCRIPTION

On February 24, 2022, AEP Texas Inc. (AEP Texas) filed an application (Application) with the Public Utility Commission of Texas (PUC or Commission) requesting approval of a new Wholesale Distribution Service Distributed Generation (WDS DG) Energy Storage Tariff. AEP Texas's proposed tariff

consists of a customer charge, a metering charge, a Distribution System Charge, and the Distribution Cost Recovery Factor. The Application states AEP Texas has received valid requests from various entities to provide wholesale transmission service at distribution voltage and that it has entered into Interconnection Agreements with several of those entities.

II. JURISDICTION

The Commission referred this case to the State Office of Administrative Hearings (SOAH) on August 24, 2022, requesting the assignment of an Administrative Law Judge (ALJ) to conduct a hearing and issue a proposal for decision (PFD), if necessary. In its referral order, the Commission stated that it will consider and possibly adopt a preliminary order at the open meeting scheduled to convene on August 25, 2022.

The Commission has jurisdiction over this proceeding under PURA¹ §§ 35.004 and 35.007, and 16 Texas Administrative Code §§ 25.191-.192. SOAH has jurisdiction over all matters relating to conducting the hearing in this proceeding pursuant to Texas Government Code § 2003.049.

III. NOTICE AND SUFFICIENCY OF APPLICATION

On March 25, 2022, staff (Staff) of the Commission recommended that AEP Texas's Application be found sufficient for processing and that the notice provided

¹ Public Utility Regulatory Act, Tex. Util. Code §§ 11.001-66.016.

on March 1, 2022, be deemed sufficient. On March 30, 2022, the Commission ALJ found AEP Texas's Application and notice sufficient.

IV. EFFECTIVE DATE

To the extent applicable, the effective date of the proposed tariff is suspended for 150 days beyond AEP Texas's requested effective date of March 31, 2022.²

V. PREHEARING CONFERENCE

The undersigned ALJs will convene a **prehearing conference at 10:00 a.m. on September 6, 2022**, via the Zoom videoconferencing platform.³ The following matters will be discussed:

1. Any pending motions, including motions filed by 1:00 p.m. on September 2, 2022, and emailed to the ALJs' assistant;⁴
2. The applicability of 16 Texas Administrative Code § 22.33, or any other Commission rule regarding effective dates, to the Application and any effect the prior abatement of this proceeding may have on any applicable effective date;

² In the Application, AEP Texas requested the presiding judge approve an effective date of 35 days after the Application's February 24, 2022 filing date. 16 TAC § 22.33(c).

³ In response to the COVID-19 pandemic, SOAH has temporarily discontinued most non-emergency, in-person hearings, and hearings are being convened remotely. Accordingly, this hearing will be convened using the Zoom videoconferencing platform. The ALJs will make an audio recording of the hearing, and it will be the official record of the proceeding.

⁴ Nadia.martinez@soah.texas.gov.

3. A procedural schedule, including deadlines for discovery, dispositive motions, prefiled testimony, prefilings of parties' exhibits and witness lists; a date for the hearing on the merits; and deadlines for parties' post-hearing briefing; and
4. Any other matter that may assist in the disposition of this case in a fair and efficient manner.

In developing a proposed procedural schedule, the parties shall anticipate a record close date that ensures the ALJs have 60 days to write and issue the PFD. Additionally, the parties shall endeavor to provide the Commission with enough time for two dates for open meetings to discuss the PFD and seven calendar days after the last open meeting to issue an order.

To access the prehearing conference, the parties shall use one of the following methods:

Via Computer:

- Use this Zoom link <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: 160 614 2352
Passcode: PUC996

Via Telephone:

- To join by telephone, call the number below and enter the Meeting ID and Passcode listed below:

(669) 254-5252

Meeting ID: 160 614 2352

Passcode: 717352

VI. PROCEDURES

Except as modified by the Commission or SOAH in response to COVID-19, the Commission's procedural rules⁵ govern this case. Routine procedural and logistical questions may be directed to the ALJs' 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.

A. FILING

The procedures regarding filing are specified in Subchapter E of the Commission's procedural rules and apply in this proceeding. Parties are expected to know those procedures and comply with them fully. Pleadings and other filings shall be deemed filed when the proper number of legible copies are presented to the PUC filing clerk for filing. **All pleadings must contain both the SOAH and PUC docket numbers to allow for efficient processing.**

For intervenors who may not be familiar with PUC processes, all PUC filings in this case are available for viewing and downloading from the Commission's website (www.puc.texas.gov). Once there, click at the top under "Filings." Then

⁵ Available on its website at: <https://www.puc.texas.gov/agency/rulesnlaws/procrules/Procedural.aspx>.

click on “Filings Search” and type in control number (PUC Docket Number) 53267 and press “enter.” A list of documents filed in this docket will appear and you may access those documents by clicking on the document number. The PUC’s procedural rules are also available at the PUC website.

B. SERVICE OF FILED DOCUMENTS ON ALL PARTIES

Note that all documents filed in this case must also be delivered or “served” to all other parties.

At this time, due to COVID-19, service must be accomplished by email. Any party to this proceeding who has not previously provided an email address **SHALL, no later than 7 days after the date of this order**, file a notice informing the parties of the email address to be used for service.

Parties will be served with SOAH’s orders electronically at the email address they provide. Only one address per party will be included on the official service list maintained by SOAH. Corrections to the service list should be directed to the ALJs’ assistant, Ms. Martinez, at the email address provided above.

VII. MOTIONS AND RESPONSES TO MOTIONS AND OTHER PLEADINGS

Unless otherwise specified, responses to any motion or other pleading shall be filed within **five working days** from receipt of the pleading to which the response is made. Such responsive pleadings shall state the date of receipt of the

pleading to which a response is made. Failure to file a timely response will be considered acquiescence to the relief requested.

If the parties file a motion that requires the ALJs' immediate attention, the parties must also email a copy of the motion to the ALJs' assistant, Ms. Martinez, at the email address provided above. A copy of each contested motion and reply filed in this proceeding must also be provided in an editable Word format to Ms. Martinez.

A. DISCOVERY

Discovery may begin immediately pursuant to Subchapter H of the Commission's procedural rules. All discovery requests and responses shall be filed with the Commission.

B. *IN CAMERA* REVIEW

When a party seeks *in camera* review of documents in accordance with 16 Texas Administrative Code § 22.144(g), it must submit the documents to the ALJs at SOAH. Documents submitted for review should not be filed with the Commission filing clerk. If they are filed with the Commission filing clerk, even inadvertently, any claim to privilege or exemption may be waived.

At the time the documents are submitted for *in camera* review, the objecting party must file affidavits that list the facts necessary to support the privilege or

exemption that is claimed. The affidavits will be public documents and must be filed with the Commission filing clerk and served upon the propounding party.

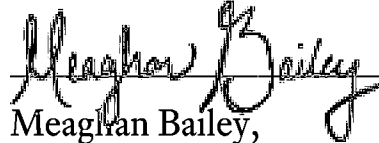
Answers to requests for information (RFIs) that are submitted for *in camera* review must be grouped and separated from other answers by envelope, folder, box, or other appropriate containers; materials that constitute an answer to more than one RFI must be clearly cross-referenced. RFI answers submitted for *in camera* review will not be accessible to the other parties unless the ALJs order otherwise.

SIGNED AUGUST 25, 2022

ALJ Signature(s):

A handwritten signature in black ink, appearing to read "Daniel Wiseman", written over a horizontal line.

Daniel Wiseman,
Administrative Law Judge

A handwritten signature in black ink, appearing to read "Meaghan Bailey", written over a horizontal line.

Meaghan Bailey,
Administrative Law Judge