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**BEFORE THE
STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

**COMPLAINT OF ENGIE ENERGY MARKETING NA, INC.
AND VIRIDITY ENERGY SOLUTIONS, INC. AGAINST
THE ELECTRIC RELIABILITY COUNCIL OF TEXAS, INC.**

**SOAH ORDER NO. 24
GRANTING MOTION FOR IN-PERSON HEARING**

On October 10, 2023, ENGIE Energy Marketing NA, Inc.; Viridity Energy Solutions, Inc. (Viridity); and the Electric Reliability Council of Texas, Inc. filed a joint motion requesting that the hearing on the merits be held in-person, with the capability for two out-of-state witnesses and Viridity's in-house counsel to appear remotely. The motion states that staff (Staff) of the Public Utility Commission of Texas (Commission) is unopposed.

The motion is **GRANTED**. Accordingly, the hearing on the merits will convene on **November 9-10, 2023, beginning at 9:00 a.m. each day**, at SOAH's

hearing facility located at the William P. Clements Office Building, 300 West 15th Street, Room 404, Austin, Texas.¹ Those attending the hearing in person who do not have a state-issued identification badge should be prepared to register with a security guard on the first floor of the building. Having the docket number of the case and photo identification card will expedite the registration. The ALJs recommend arriving early to secure parking and check in with security so that the hearing may begin on time.

The witnesses and counsel attending the hearing remotely should use the same Zoom login information contained in SOAH Order No. 10.

A. HYBRID HEARING PROCEDURES

The hearing will be held in SOAH's hybrid hearing room, which facilitates the participation of remote participants during an in-person hearing. Absent extraordinary cause, **all participating counsel are expected to attend in person.** Party representatives and other observers may watch the proceedings via Zoom.

Hybrid hearings, simply described, are conducted over the Zoom platform, but with a video and audio feed from the hearing room comprising one of the Zoom participants. There is one camera in the hearing room that can show the ALJs and either of two witness stands, and portable microphones are used to pick up the audio from any speakers in the room. Documents can be shown on screens mounted to the walls.

¹ The November 8, 2023 prehearing conference will continue to be held by Zoom videoconference.

To facilitate a smooth hearing, counsel should:

- Bring paper copies of their exhibits they expect to use with witnesses appearing in person (since the screens displaying the Zoom/screen share are mounted to the wall behind the witness stand);
- Prior to the hearing, provide remote witnesses all documents necessary for their effective participation in the hearing; and
- Bring their own laptop (and extension cords) to connect to Zoom so that they may easily view documents being shared, and so that the witnesses they are questioning can see them. (Laptops used in the hearing room must be muted and have the microphone turned off in the Zoom application.)

B. EXHIBIT PROCEDURES

The prehearing filing requirements and deadlines contained in SOAH Order No. 10 remain in effect, except that the procedures for providing exhibits and exhibit and witness lists to the court reporter are superseded as set forth below. In addition, the prehearing filings due by **November 7, 2023**, shall include a list of witnesses and counsel participating in the hearing and indicate for each whether they will attend the hearing in person or via Zoom. The ALJs will use this information to prepare for the hearing.

As in remote hearings, **all exhibits in hybrid hearings are electronic**. Except as provided above with respect to copies for in-person witnesses, parties should not bring exhibit notebooks or provide paper “courtesy copies” for the ALJs or other parties. Parties may bring their own paper copies of exhibits to reference during the hearing, but those copies must be removed from the hearing room at the conclusion of the hearing. SOAH’s docketing division will not accept paper copies of exhibits,

and the ALJs will be viewing the exhibits electronically throughout the proceeding. Any demonstrative exhibits used at the hearing must be filed in electronic form.

C. COURT REPORTER

As soon as this Order is received, Complainants must coordinate with a court reporting service to provide service for an in-person hearing, and shall promptly notify the other parties of the reporting service that has been secured. **At least two business days before the hearing**, the parties shall provide to the court reporter all exhibit and witness lists in MS Word format and all exhibits in electronic form, including pre-filed testimony exhibits and workpapers. The parties may share the exhibits with the court reporter by providing (1) a USB or flash drive; or (2) access to a secure, electronic filesharing site (which shall include login instructions).

Following the hearing, the parties shall confer and arrange to organize the admitted, record set of exhibits. All exhibits should be readily identifiable by specific folder (e.g., Complainants' Admitted Exhibits, Staff Admitted Exhibits, etc.). A party's failure to timely include its exhibits in the record set of exhibits may result in submission of an incomplete record to the agency. **No later than the second business day following conclusion of the hearing**, the parties shall submit the final, record set of exhibits in electronic format to the court reporter, which contains all exhibits that were admitted as evidence or accompanied by an offer of proof. This set of exhibits will constitute the "record set" that will be filed with the transcript and sent to the Commission when SOAH's involvement has concluded.

D. QUESTIONS

Logistical questions about the hybrid hearing can be directed to SOAH's Docketing Division at (512) 475-4993. The parties may also coordinate with the Docketing Division to visit the hybrid hearing room in advance of the hearing if desired.

SIGNED October 18, 2023.

A handwritten signature in cursive script, reading "Sarah Starnes", positioned above a horizontal line.

Sarah Starnes,
Administrative Law Judge

A handwritten signature in cursive script, reading "Cassandra Quinn", positioned above a horizontal line.

Cassandra Quinn,
Administrative Law Judge