



## Filing Receipt

**Received - 2022-06-10 04:54:45 PM**  
**Control Number - 53671**  
**ItemNumber - 7**

**SOAH Docket No. 473-22-00992  
PUC Docket No. 53671**

**Suffix: PUC**

---

**BEFORE THE  
STATE OFFICE OF ADMINISTRATIVE  
HEARINGS**

---

**APPLICATION OF ONCOR ELECTRIC DELIVERY COMPANY  
LLC TO ADJUST ITS ENERGY EFFICIENCY COST  
RECOVERY FACTOR**

---

**SOAH ORDER NO. 1**

**DESCRIPTION OF CASE; ADDRESSING JURISDICTION AND NOTICE;  
REQUIRING STAFF'S COMMENTS ON SUFFICIENCY OF NOTICE AND  
APPLICATION; ADOPTING PROPOSED PROTECTIVE ORDER;  
DEADLINE TO SUBMIT AGREED PROCEDURAL SCHEDULE AND  
ESTABLISHING, IF NECESSARY, A PREHEARING CONFERENCE; AND  
OTHER MATTERS**

## **I. DESCRIPTION OF CASE**

On May 31, 2022, Oncor Electric Delivery Company LLC (Oncor) filed an application to adjust its energy-efficiency cost recovery factor (EECRF) for program year (PY) 2023 under Public Utility Regulatory Act (PURA)<sup>1</sup> § 39.905 and 16 Texas Administrative Code (TAC) §§ 25.181 and 25.182.

Oncor's application seeks approval from Public Utility Commission of Texas (Commission) to adjust its EECRF rider to recover \$83,058,209 during PY 2023, which includes:

- \$51,665,637 in energy efficiency expenses forecasted for PY 2023;
- allocation of \$2,603,394 for the total under-recovery of 2021 energy efficiency costs, including the required interest payment;
- inclusion of a \$28,029,733 energy efficiency performance bonus under 16 TAC § 25.182(e) based on Oncor's energy efficiency achievements in 2021;
- \$740,492 for the estimated evaluation, measurement, and verification contractor costs for the evaluation of PY 2022; and
- \$18,953 for EECRF proceeding expenses of municipalities that the Steering Committee of Cities Served by Oncor (Cities) submitted to Oncor pursuant to 16 TAC § 25.182(d)(3)(B) related to Docket No. 52178.

## **II. ADDRESSING JURISDICTION AND NOTICE**

The Commission has jurisdiction over this application pursuant to PURA § 39.905 and 16 TAC §§ 25.181 and .182. On June 3, 2022, the Commission adopted a preliminary order and referred this case to the State Office of Administrative

---

<sup>1</sup> Public Utility Regulatory Act, Tex. Util. Code §§ 11.001-66.016.

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. SOAH has jurisdiction over matters relating to the conduct of the hearing in this proceeding pursuant to Texas Government Code § 2003.049.

Oncor proposes to provide notice of its application consistent with 16 TAC § 25.182(d)(13) to: (1) all parties in Docket No. 52178 (Oncor's most recent completed EECRF docket); (2) all retail electric providers that are authorized by the registration agent to provide service in Oncor's service area at the time Oncor's application was filed; (3) all parties in Docket No. 46957; and (4) Texas Department of Housing & Community Affairs, which is the state agency that administers the federal weatherization program.

### **III. REQUIRING STAFF'S COMMENTS ON SUFFICIENCY**

Staff for the Commission (Staff) shall, and any other party may, file comments on the sufficiency of Oncor's proposed notice and on the application itself no later than **June 15, 2022**.

### **IV. DEADLINE TO SUBMIT AN AGREED PROCEDURAL SCHEDULE AND ESTABLISHING, IF NECESSARY, A PREHEARING CONFERENCE**

In its application, Oncor states that it will endeavor to pursue and file an agreed proposed procedural schedule on or before the deadline set forth by the

ALJ. Under 16 TAC § 25.182(d)(9)(D) and (E), if no hearing is requested within 30 days of May 31, 2022, a procedural schedule must be set that would allow the Commission to issue a final order within 90 days after a sufficient application was filed, or August 29, 2022.<sup>2</sup> If a hearing is requested within 30 days, a procedural schedule must be set that would allow the Commission to issue a final order within 180 days after a sufficient application was filed, or November 27, 2022.<sup>3</sup> The parties should also account for the deadlines specified in 16 TAC § 25.182(d)(9)(B), which provides:

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 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.

No later than **June 15, 2022**, Oncor shall file an agreed procedural schedule that incorporates the dates set out above as well as other deadlines set in 16 TAC § 25.182. If the parties cannot reach agreement and an agreed procedural schedule is not filed on or before **June 15, 2022**, the ALJ will convene a prehearing conference in this docket through the Zoom videoconference application commencing at **9:30 a.m. on June 21, 2022**. If an agreed procedural schedule is filed on or before **June**

---

<sup>2</sup> This date was calculated with the presumption that Oncor's May 31, 2022 application is sufficient. If the application is insufficient, this date will change.

<sup>3</sup> Same instruction as above.

**15, 2022**, the **June 21, 2022** prehearing conference is automatically cancelled unless a party requests a prehearing conference on or before **June 15, 2022**.

You may access the prehearing conference by going to <https://soah-texas.zoomgov.com/> or the Zoom application on your mobile device, selecting “Join a Meeting,” and entering the following information when prompted:

Meeting ID: 161 816 4939  
Password: 0Ti6ff

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.

Telephone Number: 669 254 5252  
Telephone Number: 646 828 7666

Meeting ID: 161 816 4939  
Password: 946077

The following matters will be discussed at the prehearing conference:

1. Pending motions to intervene.
2. Any other motion filed by 3:00 p.m. on **June 15, 2022**.
3. A procedural schedule that complies with 16 TAC § 25.182(d)(9), including a date for the hearing, if requested, that will enable the Commission to make a final decision before the EECRF effective date. To assist the parties in making this determination, the parties should calculate a hearing date in the following manner:

- a. Find the Commission open meeting date immediately prior to the effective date.
  - b. Assume proposal for decision issuance at least 21 days prior to the date in a. above.
  - c. Subtract 60 days from the date in b. above, which is the day that reply briefs would be due and the record would close.
  - d. Determine appropriate briefing deadlines that allow reply briefs to be filed on the date calculated in c. above.
  - e. Depending on transcript turnaround time, calculate the last hearing day that would allow for the briefing deadlines calculated in d. above.
  - f. Determine the number of days needed for hearing and determine which day would be the first day of hearing.
4. Any other matters that may assist in the disposition of this case 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 parties should be aware that, in response to COVID-19, the Commission has issued its second order suspending certain rules and requiring email service and online filings. The Commission's order is available at: [http://interchange.puc.texas.gov/Documents/50664\\_205\\_1075813.PDF](http://interchange.puc.texas.gov/Documents/50664_205_1075813.PDF).

The parties should review the Commission's and SOAH's websites for the latest information on how COVID-19 is impacting applicable procedural requirements.

When a party files a document with the Commission, that party is also required to serve (i.e., provide a copy of that document to) every other party. At this time, due to COVID-19, service must be accomplished by e-mail. Any party to this proceeding who has not previously provided an e-mail address **SHALL**, no later than seven days after the date of this order, file a notice informing the parties of the e-mail address to be used for service.

SOAH's orders must also be provided to, or served on, the parties. Parties will be served with SOAH's orders electronically at the e-mail address they provide.

Except as modified by the Commission or SOAH in response to COVID-19, the Commission's procedural rules will govern the conduct of this case, and the parties are expected to comply with those rules. The Commission's procedural rules are available on its website at: <https://www.puc.texas.gov/agency/rulesnlaws/procrules/Procedural.aspx>.

**SIGNED: JUNE 10, 2022**

ALJ Signature(s):

/s/ Rachelle Nicolette Robles

Rachelle Nicolette Robles  
Presiding Administrative Law Judge