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**BEFORE THE
STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

**APPLICATION OF ENTERGY TEXAS, INC. FOR AUTHORITY
TO CHANGE RATES**

**SOAH ORDER NO. 10
SETTING PREHEARING CONFERENCE; EVIDENCE
SHARING PROCEDURES**

This order provides the access information for the prehearing conference, if requested, and evidence sharing procedures.

I. PREHEARING CONFERENCE

If requested by November 23, 2022, a prehearing conference will convene without further order at **10:00 a.m. on December 1, 2022, via Zoom videoconference.**

By computer

By telephone

Go to <https://soah-texas.zoomgov.com/>
and enter the following:

Call **(669) 254-5252** and enter the
following:

Meeting ID: 160 079 4366
Passcode: PUC4394

Meeting ID: 160 079 4366
Passcode: 5449124

A prehearing conference will NOT convene if not requested.

II. EVIDENCE SHARING

The following prehearing schedule shall govern, unless otherwise ordered:

1. **Witness Changes:** By **December 2, 2022**, the parties shall confer and submit a joint list of witnesses to be waived, any changes in the witnesses to be called, and any changes to the order of witnesses. All parties reserve the right to cross-examine any witness cross-examined by any other party.
2. **Filesharing Site:** By **November 30, 2022**, if the parties intend to use a filesharing site for exchanging documents, access information must be provided to the ALJs' legal assistant, Tujuana Tate, at tujuana.tate@soah.texas.gov, to ensure that it comports with SOAH's IT requirements.
3. **Prehearing Deadlines:** By **December 2, 2022**, unless otherwise noted, the following must be completed. Failure to meet the following requirements without good cause will result in the exhibit not being admitted in evidence.
 - a. **Direct Exhibits.**

- i. The party's exhibits shall be numbered sequentially, and multipage documents shall be paginated or Bates-stamped.
 - ii. The parties shall provide pre-filed testimony exhibits and workpapers as follows:
 - a) **To the court reporter:** unless otherwise directed by the court reporter, provide a copy of pre-filed testimonies and attached exhibits and workpapers the party intends to offer during the hearing in electronic form (such as by email), and a physical copy of marked exhibits directly to the court reporter service (the record copy). Parties should arrange to do this by contacting Kennedy Reporting Service at 512-474-2233;
 - b) **To the Parties:** via an electronic filesharing site; the ALJs shall be provided access to the file-sharing site;
 - c) **To SOAH:** three physical copies (one for the ALJs and two appeals copies) delivered to State Office of Administrative Hearings Docketing Room 504, 5th Floor, William P. Clements Building, 300 West 15th Street, Austin, Texas 78701.
 - iii. **Exhibit list.** File, or upload to filesharing site, a list of all direct exhibits a party intends to offer at the hearing.
- b. **Protected Material.** Protected Material shall be provided in accordance with 16 Texas Administrative Code § 22.71(d)(1) and the Protective Order approved by SOAH Order No. 1.
- i. Except as described below, the parties shall identify any exhibits containing Protected Materials but shall not

include such exhibits in their filing or serve other parties with the Protected Material exhibits.

- ii. A sealed copy of the exhibits containing Protected Materials shall be provided to SOAH and the court reporter.
- iii. The parties shall provide copies of the exhibits containing Protected Materials to the applicant and other parties with representatives who have signed the Protective Order certification by hand-delivery; provided however, if the Protected Materials included in an exhibit have already been provided to the parties, the party with an exhibit containing Protected Materials does not have to provide those Protected Materials again to the other parties.
- iv. The parties shall notify Ms. Tate and the SOAH Docketing division by calling 512-475-4993 regarding when the Protected Materials will be delivered.
- v. By **December 2, 2022**, ETI shall file a list of persons who have signed the Protective Order certification.

c. **Witnesses.** The parties shall:

- i. file a list of witnesses the party intends to call to testify during the hearing, listed in the order that the party intends to call them, as well as a list of witnesses for whom cross-examination has been waived;
- ii. file a notice of an updated agreed order of presentation and cross-examination; and
- iii. provide witnesses with all documents necessary for their effective participation in the hearing. Parties should advise witnesses that they need not attend the duration of

the hearing but should be on standby to appear when called to testify.

4. **Cross Examination Exhibits:** If a filesharing site is used, the following procedures regarding cross-examination exhibits apply:
 - a. The parties shall deliver to Kennedy Reporting and upload the exhibits to the file-sharing site no later than 7:00 p.m. the day before the party intends to offer the exhibit on cross-examination, *or*, if reasonably anticipated, within two hours before being offered.
 - b. Protected material shall be uploaded to a separate folder on the file-sharing site that may be accessed only by parties that signed the protective order and the ALJs.
 - c. At the conclusion of the hearing, each party shall provide three physical copies (one for the ALJs and two appeals copies) of all their cross-examination exhibits to SOAH, and one physical copy of all cross-examination exhibits to Kennedy Reporting.
 - d. Updated exhibit lists shall be uploaded to the file-sharing site at the same time it uploads its additional exhibits, if there are additional cross-examination exhibits.

5. **Briefing Outline:** By the conclusion of the hearing, the parties SHALL submit a proposed agreed briefing outline, identifying any uncontested issues and structured to serve as a table of contents for the Proposal for Decision that will be issued in this case.

SIGNED NOVEMBER 18, 2022



Rachelle Nicolette Robles
Administrative Law Judge



Christian Siano
Administrative Law Judge