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Filing Date - 2023-11-17 10:33:04 AM

Control Number - 54614

Item Number - 34

BEFORE THE
STATE OFFICE OF ADMINISTRATIVE
HEARINGS

APPLICATION OF EL PASO ELECTRIC COMPANY FOR
APPROVAL OF ITS ELECTRIC VEHICLE READY PILOT
PROGRAMS

SOAH ORDER NO. 1
PROJECT DESCRIPTION; JURISDICTION; SETTING PREHEARING
CONFERENCE; AND GENERAL PROCEDURES

I. PROJECT DESCRIPTION

On January 31, 2023, El Paso Electric Company (EPE) filed an application at the Public Utility Commission of Texas (Commission) for approval of electric vehicle pilot programs and corresponding changes to its tariff.

II. JURISDICTION

The Commission set a deadline of April 18, 2023, for parties to submit a proposed list of issues. On November 1, 2023, the Commission issued its Order of Referral, referring this matter to the State Office of Administrative Hearings (SOAH), requesting the assignment of a SOAH Administrative Law Judge (ALJ) to conduct a hearing and issue a proposal for decision (PFD), if necessary. On November 3, 2023, the Commission issued a Preliminary Order, setting forth the issues to be addressed and the issues not to be addressed in this proceeding.

The Commission has jurisdiction and authority over this matter pursuant to the Public Utility Regulatory Act (PURA)¹ sections 14.001, 32.001, and 36.101 through 36.111. SOAH has jurisdiction over all matters relating to the conduct of a hearing in this matter pursuant to Texas Government Code section 2003.049 and PURA section 14.053.

III. SETTING PREHEARING CONFERENCE

A prehearing conference will convene on **9:00 AM (CT) on November 21, 2023**, remotely via Zoom videoconference. The parties may attend the prehearing conference in one of these ways:

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

Computer or smart device:
Go to <https://soah-texas.zoomgov.com>
and enter the following:
Meeting ID: 160 468 2562
Video Passcode: PUC312

Telephone (audio only):
Call +1 669 254 5252, and then enter the
following:
Meeting ID: 160 468 2562
Telephone Passcode: 409213

IV. PROCEDURES

All Commission filings are available for viewing and downloading from the Commission's Interchange available at <http://interchange.puc.texas.gov/>, by entering the control number 54614 and selecting the "search" tab. A list of documents filed in this docket will appear, which can be accessed by clicking on the document number (with a few exceptions such as confidential documents, if any). The Commission's procedural rules are available on the Commission's website (<http://www.puc.texas.gov/agency/rulesnlaws/procrules/Procedural.aspx>). The procedural rules will govern the conduct of this case, and the parties are expected to comply with those rules.

Routine procedural and logistical questions may be directed to the ALJ's administrative assistant Lee Curry at lee.curry@soah.texas.gov. SOAH support personnel may not provide advice or interpret law or orders for the parties.

Except as modified by orders issued in this case or by the Commission or SOAH, the Commission's procedural rules govern this case. The parties should review the Commission and SOAH websites as needed for updates regarding any such modifications.

A. FILING AND SERVICE

Filing of pleadings is governed by Rule 22.71 and service is governed by Rule 22.74. However, under the Commission's Second Order entered in Docket No. 50664, all parties must file any pleading or document with the Commission solely through the Interchange on the Commission's website (<https://interchange.puc.texas.gov/filer>) and provide notice, by e-mail, to all other parties that the pleading or document has been filed with the Commission, unless otherwise ordered. It will be incumbent upon all other parties to obtain a copy of the pleading or document by accessing the Interchange. **Filings should not be made at SOAH. All filings must contain both the SOAH and PUC docket numbers.**

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, service must be accomplished by e-mail. Any party to this proceeding who has not previously provided an e-mail address **SHALL file a notice informing the parties of the e-mail address to be used for service no later than seven days after the date of this order.**

B. MOTIONS

Motions for continuance are governed by Rule 22.79. If a continuance or extension of time is sought, the motion shall propose a range of new dates and state whether the other parties agree. The ALJ will not contact parties to ascertain their

position or to negotiate dates. In the absence of a ruling by the ALJ, a contested motion for continuance or extension is not granted and the existing schedule remains in place.

Unless otherwise specified in the applicable procedural rules, responses to any motion or other pleading shall be filed within five working days from receipt of the motion or pleading. The response shall state the date of receipt of the motion or pleading to which a response is made. 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.

C. DISCOVERY

Discovery may begin immediately. Copies of requests for information (RFIs) and objections and responses to RFIs will not be provided to the ALJ. If a party files a motion to compel responses to discovery, the motion shall include every RFI and objection to which the motion applies. Any affidavits supporting an objection, motion to compel, or response shall be attached to the relevant document. The ALJ will resolve discovery disputes based on the written documents, any sworn affidavits attached thereto, and materials, if any, provided for in camera inspection, unless the ALJ concludes that a prehearing conference on the discovery dispute should be held.

If a party seeks in camera review of documents in accordance with Rule 22.144(g), it will submit the documents to the ALJ 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, the documents may not be physically removed from the Commission. Further, any claim to privilege or exemption may be waived by the filing.

Signed November 16, 2023

A handwritten signature in black ink, appearing to read "Rachelle Robles", written in a cursive style.

Rachelle Nicolette Robles,
Administrative Law Judge