



## **Filing Receipt**

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**Item Number - 41**

**BEFORE THE  
STATE OFFICE OF ADMINISTRATIVE  
HEARINGS**

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

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**SOAH ORDER NO. 4  
ADOPTING PROCEDURAL SCHEDULE  
AND SCHEDULING HEARING ON THE MERITS**

**I. ADOPTING PROPOSED PROCEDURAL SCHEDULE**

On November 30, 2023, El Paso Electric Company (EPE) filed an agreed proposed procedural schedule on behalf of itself and all parties of record. The following procedural schedule proposed by the parties is **ADOPTED** and shall govern this proceeding unless otherwise ordered:

<b>Event</b>	<b>Date</b>
Objections to EPE's direct and supplemental testimony	January 12, 2024
Response to objections to EPE's direct and supplemental testimony	January 19, 2024
Settlement Conference	February 13, 2024
Intervenors' direct testimony Written discovery on EPE's direct and supplemental testimony ends	February 20, 2024
Staff's direct testimony Objections to Intervenors' direct testimony	February 27, 2024
EPE's Rebuttal and parties' cross-rebuttal Objections to Staff's direct testimony Response to objections to Intervenors' direct testimony	March 12, 2024
Second settlement conference Objections to EPE's rebuttal and parties' cross-rebuttal testimony Response to objections to Staff's direct testimony	March 19, 2024
Discovery ends	March 19, 2024
Response to objections to EPE's rebuttal and parties' cross-rebuttal	March 26, 2024
Pre-hearing filings, including exhibits, exhibit lists, witness lists, agreed order of presentation, and any waiver of cross-examination	March 29, 2024
<b>Hearing on the Merits (via videoconference)</b>	<b>April 2, 2024</b>

Additionally, parties agreed to the following discovery procedures:

1. Draft of testimony and emails that include drafts of testimony as attachments are not discoverable.
2. A discovery hiatus will be imposed from December 22, 2023, through January 1, 2024. Discovery shall not be served during this period and days during this period shall not count towards the deadlines for responding to discovery.
3. Four business day response time for discovery on Intervenor and Staff direct testimony, EPE rebuttal, and parties' cross-rebuttal; objections shall be filed within four business days of receipt of discovery; motions to compel shall be filed within three business days of receipt of the objections (or at the hearing, whichever is earlier); and responses to motions to compel shall be filed within three business days of receipt of the motion to compel (or at the hearing, whichever is earlier).
4. No depositions of EPE witnesses between Intervenor direct testimony and rebuttal testimony deadlines.
5. All testimony workpapers are due one business day after the applicable testimony deadline.

## **II. PROCEDURES FOR EXHIBITS AND COURT REPORTER**

Additionally, the following pre- and post-hearing procedures are **ADOPTED**:

### **By March 26, 2024:**

1. EPE shall notify the other parties of the court reporting service that has been secured to transcribe the hearing.

**By March 29, 2024:**

1. Each party shall provide to the Administrative Law Judge (ALJ) and the court reporter (1) a list of all witnesses it intends to call to testify during the hearing and its witnesses, if any, for whom all other parties have waived cross-examination; (2) a list of all exhibits it intends to offer at the hearing in MS Word format (including, for example, on cross-examination);<sup>1</sup> and (3) an electronic copy of all exhibits included on their exhibit list.
  - a. Exhibits should be appropriately labeled to identify the parties, e.g., EPE Ex. 1, Staff Ex. 1, etc. Exhibits should be numbered sequentially, and multipage documents shall be paginated or Bates-stamped. Exhibits not meeting a requirement in this Order may not be admitted into the record absent good cause.
2. The parties may deliver their electronic exhibits to the ALJ and the court reporter by providing either (1) a USB or flash drive; or (2) access to a secure, electronic file-sharing site (which shall include login instructions).
  - a. If providing the ALJ with a USB or flash drive, the parties shall use the following mailing address with attention to the ALJ at State Office of Administrative Hearings, Room 504, 5th Floor, William P. Clements Building, 300 West 15th Street, Austin, Texas 78701.<sup>2</sup>
  - b. If providing the ALJ with access to a file-sharing site, the party hosting the site shall email the name of the file-sharing site to the ALJ's legal secretary Michael Martinez at [michael.martinez@soah.texas.gov](mailto:michael.martinez@soah.texas.gov) **as soon as practicable, but no later than March 29, 2024**, so that SOAH's IT personnel can determine whether it meets SOAH's security requirements so that the ALJ can use the file-sharing site as well.

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<sup>1</sup> The parties' exhibit lists shall also include any documents the parties intend to use for demonstrative purposes, and shall identify any exhibit containing Confidential or Highly Sensitive material. The parties shall confer to ensure each party received the other party's exhibit and witness lists.

<sup>2</sup> The parties do not need to submit two paper copies of their exhibits to be maintained as "appeals copies."

### **After the Hearing:**

1. **No later than the first business day following conclusion of 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., EPE Admitted Exhibits, Staff Admitted Exhibits, etc.). A party's failure to timely include its exhibits in the record set exhibits may result in submission of an incomplete record to the agency.
2. **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.<sup>3</sup> This set of exhibits will constitute the "record set" that SOAH will send to the agency when SOAH's involvement has concluded.

### **III. SETTING HEARING ON THE MERITS**

The hearing on the merits will convene at **9:00 AM (CT) on April 2, 2024**, and is expected to last one day. The parties shall attend in one of these ways:

To join by computer or smart device, go to <a href="https://soah-texas.zoomgov.com">https://soah-texas.zoomgov.com</a> and enter: Meeting ID: 160 468 2562 Video Passcode: PUC312	To join by telephone (audio only), call +1 669 254 5252, and enter: Meeting ID: 160 468 2562 Telephone Passcode: 409213
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<sup>3</sup> 1 Tex. Admin. Code § 155.101(b)(1)(G)(iii).

**Signed January 12, 2024**

ALJ Signature:

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

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Rachelle Nicolette Robles  
Presiding Administrative Law Judge