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Filing Date - 2023-06-30 04:24:33 PM

Control Number - 55094

Item Number - 22

**BEFORE THE
STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

**APPLICATION OF AEP TEXAS INC. TO ADJUST ITS ENERGY
EFFICIENCY COST RECOVERY FACTOR AND RELATED
RELIEF**

**SOAH ORDER NO. 2
FINDING APPLICATION AND NOTICE SUFFICIENT; GRANTING
MOTIONS TO INTERVENE; ADOPTING REVISE PROCEDURAL
SCHEDULE; SETTING HEARING ON THE MERITS;**

I. SUFFICIENCY OF NOTICE AND APPLICATION

Commission staff (Staff) filed comments on the sufficiency of AEP Texas's proposed notice and on the sufficiency of AEP Texas's application for purposes of further review, recommending finding both sufficient. In accordance with Commission Staff's recommendation, the administrative law judge (ALJ) finds AEP Texas's proposed notice and application sufficient for further review.

II. INTERVENTIONS

The following parties filed motions to intervene: Sierra Club (filed June 27, 2023); and the Cities Served by AEP Texas¹ (filed June 28, 2023). Their motions are granted, subject to timely objection.

III. REVISED PROCEDURAL SCHEDULE

On June 15, 2023, Commission staff filed a proposed revised procedural schedule. By letter filed on June 20, 2023, AEP Texas stated that it did not oppose the proposal. Accordingly, Staff's proposed procedural schedule is ADOPTED and shall govern this proceeding until further order.

| Event | Deadline |
|--------------------------------------|---------------------------------------|
| Notice Completed | June 8, 2023 |
| Proof of Notice | June 15, 2023 |
| Intervention Deadline | July 5, 2023 |
| Request for Hearing | July 5, 2023 |
| | <u>If No Hearing Requested</u> |
| Staff Recommendation | July 21, 2023 |
| Parties' Proposed Order | July 28, 2023 |
| | <u>If Hearing Requested</u> |
| Objections to AEP Texas Direct | July 12, 2023 |
| End of Discovery on AEP Texas Direct | July 14, 2023 |
| Intervenor Direct Testimony | July 18, 2023 |
| Staff Direct Testimony | July 25, 2023 |

¹ Cities Served by AEP Texas include the City of McAllen, Alamo, Alton, Benjamin, Brownsville, Ingleside on the Bay, Kingsville, and Turkey.

| Event | Deadline |
|--|---------------------------|
| End of Discovery on Intervenor Direct | August 1, 2023 |
| End of Discovery on Staff Direct | August 8, 2023 |
| Deadline for AEP Texas Rebuttal and Cross Examination | August 15, 2023 |
| Objections to AEP Texas Rebuttal, and Staff and Intervenor Cross-Rebuttal | August 22, 2023 |
| Replies to Objections to AEP Texas Rebuttal, and Staff and Intervenor Cross-Rebuttal | August 29, 2023 |
| Deadline for Taking Depositions and End of all Discovery | September 6, 2023 |
| Hearing on the Merits | September 13, 2023 |
| Initial Briefs | September 25, 2023 |
| Reply Briefs | October 5, 2023 |

IV. HEARING ON THE MERITS

Three timely requests for hearing were filed. Accordingly, a hearing on the merits will convene at **9:00 a.m. (CT) on September 13, 2023**, via Zoom videoconference. The parties may attend in one of these ways:

By computer

go to
<https://soah-texas.zoomgov.com> and
 enter:
 Meeting ID: 160 910 0358
 Video Passcode: PUC742

By phone

Call +1 669 254 5252, and enter:
 Meeting ID: 160 910 0358
 Telephone Passcode: 142841

The parties **SHALL** comply with the following prehearing requirements and deadlines regarding prefiling exhibits and witness identification. **No later than September 8, 2023:**

1. Each party **SHALL** file a witness list identifying all witnesses the party expects to call to testify during the hearing. The party shall also identify its witnesses, if any, for whom all other parties have waived cross-examination.
2. Each party **SHALL** file a list of all exhibits it intends to offer at the hearing (including, for example, on cross-examination).
3. The parties **SHALL** deliver:
 - a. Judges copy: One hard copy of all exhibits the party intends to offer at hearing to State Office of Administrative Hearings (SOAH), Room 504, 5th Floor, William P. Clements Building, 300 West 15th Street, Austin, Texas 78701; and
 - b. Record copy: An electronic copy (USB) of all exhibits the party intends to offer along with a copy of the party's witness list and exhibit list to the court reporter to be maintained as the record copy. The parties shall coordinate with the court reporter on where to send their exhibits.
4. The parties **SHALL** exchange with each other a marked copy of all exhibits they intend to offer.²
5. If the parties plan to use a file-sharing site to exchange exhibits with each other, the party that will host the site shall email the name of the file-sharing site to be used to the ALJ's administrative assistant Tujuana Tate at Tujuana.tate@soah.texas.gov **as soon as practicable, but no later than September 8, 2023**, so that SOAH's IT personnel can determine whether it meets SOAH's security requirements so that the ALJs can use

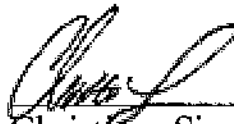
² The parties may agree among themselves on the method of delivery to each other and may agree to forego delivery of marked copies of exhibits they have already received, relying on the exhibit lists to identify the offering party and exhibit number.

the file-sharing site as well.

All Exhibits **SHALL** be marked with the offering party's name and the exhibit number. 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.

Prior to the hearing, the parties **SHALL** provide to witnesses all documents necessary for their effective participation in the hearing. Parties should also speak to the witnesses they intend to call to testify and provide the necessary videoconferencing information.

Signed June 30, 2023



Christiaan Siano

Presiding Administrative Law Judge