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SOAH DOCKET NO. 473-23-20742
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APPLICATION OF AEP TEXAS INC. TO	§	PUBLIC UTILITY COMMISSION
ADJUST ITS ENERGY EFFICIENCY	§	
COST RECOVERY FACTOR AND	§	OF TEXAS
RELATED RELIEF	§	

**COMMISSION STAFF’S RECOMMENDATION ON SUFFICIENCY OF THE
APPLICATION AND PROPOSED PROCEDURAL SCHEDULE**

On June 1, 2023, AEP Texas, Inc. (AEP Texas) filed an application to adjust its energy efficiency cost recovery factor (EECRF) for program year 2024 under Public Utility Regulatory Act (PURA) § 39.905 and 16 Texas Administrative Code (TAC) § 25.181-.182. On June 2, 2023, the Public Utility Commission of Texas (Commission) issued an Order of Referral, referring this matter to the State Office of Administrative Hearings (SOAH).

On June 6, 2023, the SOAH Administrative Law Judge (ALJ) filed SOAH Order No. 1, with a conditional schedule adopted with a deadline to propose an alternative timeline within 10 days of the order; and directing the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file comments on the sufficiency of the application by June 15, 2023. Therefore, this pleading is timely filed.

I. RECOMMENDATION REGARDING SUFFICIENCY

Staff has reviewed AEP Texas’ application and recommends that the application be deemed sufficient for further review from a technical and managerial perspective. This recommendation does not address the merits of the application.

II. PROCEDURAL SCHEDULE

To allow Staff sufficient time to prepare, Staff respectfully requests that the ALJ adopt the following proposed procedural schedule:

Event Deadline	Deadline
Notice (Completed)	June 8, 2023
Affidavit of Completion of Notice (filed)	June 15, 2023
Intervention Deadline ¹	July 5, 2023
Request for Hearing ²	July 5, 2023
<i>(If No Hearing Requested)</i>	
Staff Recommendation	July 21, 2023
Parties' Proposed Order	July 28, 2023
<i>(If Hearing Requested)</i>	
Objections to AEP Texas Direct	July 12, 2023
End of discovery on AEP Texas Direct	July 14, 2023
Deadline for Intervenor Direct Testimony	July 18, 2023
Deadline for Staff Direct Testimony	July 25, 2023
End of Discovery on Intervenor Direct Testimony	August 1, 2023
End of Discovery on Staff Direct Testimony	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

¹ See 16 TAC 22.4 (a), which states: "Counting Days. In computing any period of time prescribed or allowed by this chapter, by order of the commission or any administrative law judge, or by any applicable statute, the period shall begin on the day after the act, event, or default in question. The period shall conclude on the last day of the designated period unless that day is a day the commission is not open for business, in which event the designated period runs until the end of the next day on which the commission is open for business." The Commission will be closed for business July 3-4 in observation of Independence and will reopen on July 5, 2023.

² *Id.*

III. CONCLUSION

Staff recommends that AEP's application be found sufficient for further review and that the above-proposed procedural schedule be adopted. Staff respectfully requests that an order be issued consistent with the foregoing recommendations.

Dated: June 15, 2023

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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CERTIFICATE OF SERVICE

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on June 15, 2023, in accordance with the Second Order Suspending Rules, filed in Project No. 50664.

/s/ Rachel Seshan

Rachel Seshan