



Filing Receipt

Filing Date - 2024-01-18 02:03:39 PM

Control Number - 55338

Item Number - 48

BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS

**PROCEEDING TO RESOLVE ISSUES IN DOCKET NO. 53719
RELATED TO TRANSPORTATION ELECTRIFICATION AND
CHARGING INFRASTRUCTURE**

SOAH ORDER NO. 3 ADOPTION PROCEDURAL SCHEDULE; SETTING HEARING ON THE MERITS; AND ADOPTING HEARING PROCEDURES

I. ADOPTING PROCEDURAL SCHEDULE

SOAH Order No. 2 set a deadline of January 19, 2024, for parties to file a proposed procedural schedule. Entergy Texas, Inc. (ETI) filed a timely unopposed proposed procedural schedule,¹ on behalf of itself and other parties. The following procedural schedule proposed by the parties is **ADOPTED** and shall govern this proceeding unless otherwise ordered:

¹ ETI filed an Unopposed Procedural Schedule and an Amended Unopposed Procedural Schedule on the same day. This order adopts the schedule proposed in the latter.

Event	Date
Deadline for Written Discovery on ETI's Direct Case	February 20, 2024
Intervenor Direct Testimony	February 27, 2024
Commission Staff Direct Testimony	March 5, 2024
Deadline for Written Discovery on Intervenor and Staff Direct Case	March 19, 2024
ETI Rebuttal Testimony Intervenor and Staff Cross-Rebuttal Testimony	March 19, 2024
Deadline for Written Discovery of ETI's Rebuttal Testimony and of Intervenor and Staff Cross-Rebuttal Testimony	March 26, 2024
Deadline for Taking Depositions	March 26, 2024
Pre-hearing filings, including exhibits, exhibit lists, witness lists, agreed order of presentation, and any waiver of cross-examination	April 1, 2024
Hearing on the Merits	April 5, 2024
Initial Briefs	April 15, 2024
Reply Briefs, Proposed Findings of Fact and Conclusions of Law	April 25, 2024

Any of the above dates, except for hearings, may be modified without further order by filed agreement of the parties.

Additionally, parties agreed on the following terms regarding discovery procedures:

1. Drafts of testimony and emails that include drafts of testimony as attachments are not discoverable.
2. Requests for Information (RFIs) shall be limited to no more than 50 questions per party per day, with each subpart counting as a question. Parties will serve RFIs on other parties in a word searchable format.
3. For discovery on Intervenor and Commission Staff direct testimony:
 - a. Responses to RFIs shall be due within five working days of receipt.
 - b. Objections to RFIs shall be due within five working days of receipt.
 - c. Motions to compel shall be due within three working days of receipt of the objections.
 - d. Responses to motions to compel shall be due within three working days of receipt of the motion to compel.
4. For discovery on ETI's rebuttal testimony and Intervenor and Staff cross-rebuttal testimony:
 - a. Responses to RFIs shall be due within four working days of receipt.
 - b. Objections to RFIs shall be due within four working days of receipt.
 - c. Motions to compel shall be due within three working days of receipt of the objections.
 - d. Responses to motions to compel shall be due within three working days of receipt of the motion to compel or live at the hearing.

II. SETTING HEARING ON THE MERITS

The Administrative Law Judge will convene a hearing at **9:00 a.m. (CT) on April 5, 2024**, via Zoom videoconference. The parties shall attend in one of these ways:

<u>Join by computer or smart device:</u> Go to https://soah-texas.zoomgov.com and enter the following: Meeting ID: 161 323 9106 Passcode: PUC754	<u>Join by telephone (audio only):</u> Call +1 669 254 5252 and enter the following: Meeting ID: 161 323 9106 Passcode: 355072
---	--

If you experience technical difficulties with joining the hearing, you may contact SOAH's Docketing Division at (512) 475-4993.

III. PROCEDURES FOR EXHIBITS AND COURT REPORTER

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

By March 29, 2024:

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

By April 1, 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);² 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., ETI 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 78701.³
 - 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 **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.

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

² 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.

³ The parties do not need to submit two paper copies of their exhibits to be maintained as "appeals copies."

specific folder (e.g., ETI 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.⁴ This set of exhibits will constitute the "record set" that SOAH will send to the agency when SOAH's involvement has concluded.

Signed January 18, 2024



Rachelle Nicolette Robles,
Presiding Administrative Law Judge

⁴ 1 Tex. Admin. Code § 155.101(b)(1)(G)(iii).