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Filing Date - 2024-05-16 09:16:03 AM

Control Number - 56544

Item Number - 12

BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS

APPLICATION OF ENTERGY TEXAS, INC. TO ADJUST ITS ENERGY EFFICIENCY COST RECOVERY FACTOR

SOAH ORDER NO. 3 GRANTING MOTION TO INTERVENE; ADOPTING PROCEDURAL SCHEDULE; SETTING PREHEARING CONFERENCE AND HEARING ON THE MERITS; ADDRESSING PROCEDURES

I. INTERVENTION

Texas Industrial Energy Consumers filed a motion to intervene in this case on May 3, 2024. No objections were filed. Accordingly, the motion is **GRANTED**.

II. PROCEDURAL SCHEDULE

On May 14, 2024, Entergy Texas, Inc. (ETI) filed an agreed procedural schedule on behalf of the parties. The following agreed procedural schedule is **ADOPTED** and will govern this proceeding unless otherwise ordered:

Event	Date
EECRF Application Filed	May 1, 2024
Intervention Deadline	June 6, 2024
Objections to ETI Direct Testimony	June 13, 2024
Replies to Objections to ETI Direct Testimony	June 20, 2024
Intervenor Direct Deadline to Serve Discovery on ETI Direct Testimony	July 11, 2024
Objections to Intervenor Direct Testimony	July 16, 2024
Staff Direct Testimony Replies to Objections to Intervenor Direct Testimony	July 18, 2024
Objections to Staff Direct Testimony	July 25, 2024
Deadline for Discovery on Intervenor and Staff Direct Testimony	July 29, 2024
ETI Rebuttal/Staff and Intervenor Cross-Rebuttal Testimony Replies to Objections to Staff Direct Testimony	August 8, 2024
Statement of Position, if any Objections to Rebuttal/Cross-Rebuttal Testimony	August 12, 2024
Prehearing Conference (via videoconference)	August 19, 2024
Deadline for Prehearing Filings (see requirements below)	August 19, 2024 By NOON
Hearing on the Merits (via videoconference)	August 20, 2024

Initial Briefs	August 27, 2024
Reply Briefs Proposed Findings of Fact, Conclusions of Law, and Ordering Paragraphs ¹	September 5, 2024
Effective Date of EECRF	January 1, 2025

Additionally, the parties agreed to the following terms, which will apply in this case:

- For responses to written discovery on Intervenor and Staff Direct, Intervenor and Staff Cross-Rebuttal, and ETI Rebuttal Testimonies:
 - Responses to Requests for Information (RFIs) shall be filed within five working days of receipt of the discovery;
 - Objections to RFIs shall be filed within three working days of receipt of the discovery;
 - Motions to compel shall be filed within four working days of receipt of the objections (or at the hearing, whichever is earlier); and
 - Responses to motions to compel shall be filed within four working days of receipt of the motion to compel (or at the hearing, whichever is earlier).
- Workpapers are due one business day after testimony; and
- Drafts of testimony and the emails transmitting the drafts are not discoverable.

¹ ETI shall, and any other party may, file Proposed Findings of Fact, Conclusions of Law, and Ordering Paragraphs.

III. PROCEDURES FOR EXHIBITS AND COURT REPORTER

By August 6, 2024, ETI SHALL:

- Secure a court-reporting service to transcribe the hearing and shall notify the other parties of the service that has been retained; and
- Confirm with the court-reporting service whether the parties will be exchanging exhibits amongst themselves via (1) an electronic file-sharing site that the court-reporting service will also have access to, or (2) filings on the Commission's Interchange.
 - If the parties do not use a file-sharing site, ETI shall confirm how the court-reporting service prefers to receive the parties' electronic pre-hearing exhibits and exhibit lists and shall notify the other parties of that preferred process.

By 12:00 p.m. on August 19, 2024, the parties **SHALL** comply with the following requirements:

- ETI shall, after conferring with parties as needed, file on the Commission's Interchange:
 - A list of persons who have signed the Protective Order adopted in this proceeding;
 - A proposed order of presentation, witnesses, and cross-examination for the hearing; and
 - A list of witnesses for whom cross-examination has been waived.
- Each party shall submit electronic copies of (1) a list of all witnesses the party intends to call to testify during the hearing, listed in the order that the party intends to call them, (2) a list of all exhibits the party intends to offer at the hearing in MS Word format (including, for example, on cross-examination); and (3) all exhibits included on the party's exhibit list, to the following persons/entities as described below:
 - **To SOAH:** by USB or flash drive, with attention to SOAH Records, to the following address: State Office of Administrative Hearings,

Docketing Room 504, 5th Floor, William P. Clements Building,
300 West 15th Street, Austin, Texas 78701.

- **To other parties:** by either uploading to the applicable file-sharing site or filing on the Commission's Interchange.²
- **To the court reporter:** by access to the file-sharing site or by the court-reporting service's preferred process (as confirmed and disseminated to the parties by ETI).

After the Hearing:

- **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., 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.
- **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. 1 Tex. Admin. Code § 155.101(b)(1)(G)(iii). This set of exhibits will constitute the "record set" that SOAH will send to the Commission when SOAH's involvement has concluded.

Requirements for parties' pre- and post-hearing exhibits and exhibit lists:

- Exhibit lists shall identify any exhibit containing Protected Materials or Highly Sensitive Protected Materials under the Protective Order issued in this proceeding.
- Exhibits shall be marked with the offering party's name and the exhibit number.

² The parties may agree upon an alternative delivery method for providing each other with the information required above.

- 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.

IV. SETTING PREHEARING CONFERENCE AND HEARING ON THE MERITS

A prehearing conference will convene at **10:00 a.m. on August 19, 2024**. The prehearing conference will address any pending motions, hearing procedures, and any other matter that may assist in the disposition of this proceeding in a fair and efficient manner.

The hearing on the merits will convene at **9:00 a.m. on August 20, 2024**, and is expected to last one day.

All proceedings will be convened via Zoom videoconference. The parties shall attend in one of these ways:

To join by computer or smart device:

Go to <https://soah-texas.zoomgov.com> and enter the following:

Meeting ID: 161 938 2840

Video Passcode: PUC767

To join by telephone (audio only):

Call +1 669 254 5252, and enter the following:

Meeting ID: 161 938 2840

Telephone Passcode: 674824

If a party experiences technical difficulties with joining any hearing, they may contact SOAH's Docketing Division at (512) 475-4993.

SIGNED May 16, 2024.

A handwritten signature in black ink, appearing to read "Cassandra Quinn", is positioned above a horizontal line.

Cassandra Quinn,
Administrative Law Judge