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**BEFORE THE
STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

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

**SOAH ORDER NO. 5
ABATING SCHEDULE FOR TWO WEEKS; AMENDING
PROCEDURAL SCHEDULE; AND RESETTING PREHEARING
CONFERENCE AND HEARING ON THE MERITS**

I. ABATEMENT

On July 18, 2024, Staff of the Public Utility Commission of Texas filed a joint motion to abate the procedural schedule in this case for two weeks to facilitate the parties' settlement discussions. The motion states that the parties agree to the abatement and the revised procedural schedule set forth below. The motion is **GRANTED**, and the schedule is **ABATED** until August 1, 2024.

II. PROCEDURAL SCHEDULE

The following revised agreed procedural schedule is **ADOPTED** and will govern this proceeding unless otherwise ordered:

Event	Date
Settlement Conference	July 26, 2024
Staff Direct Testimony Replies to Objections to Intervenor Direct Testimony	August 1, 2024
Objections to Staff Direct Testimony	August 8, 2024
Deadline for Discovery on Intervenor and Staff Direct Testimony	August 12, 2024
ETI Rebuttal/Staff and Intervenor Cross-Rebuttal Testimony Replies to Objections to Staff Direct Testimony	August 22, 2024
Statement of Position, if any Objections to Rebuttal/Cross-Rebuttal Testimony	August 26, 2024
Prehearing Conference (via videoconference)	August 30, 2024
Deadline for Prehearing Filings (see requirements below)	August 30, 2024
Hearing on the Merits (via videoconference)	September 5, 2024
Initial Briefs	September 12, 2024

Reply Briefs Proposed Findings of Fact, Conclusions of Law, and Ordering Paragraphs ¹	September 23, 2024
Effective Date of EECRF	January 1, 2025

III. PROCEDURES FOR EXHIBITS AND COURT REPORTER²

By August 16, 2024, Entergy Texas, Inc. (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 August 30, 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

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

² Except for the deadlines, these procedures are identical to those set forth in SOAH Order No. 3.

- 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.³
 - **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.

³ The parties may agree upon an alternative delivery method for providing each other with the information required above.

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.
- 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 30, 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 September 5, 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 July 18, 2024



Cassandra Quinn,

Administrative Law Judge