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BEFORE THE
STATE OFFICE OF ADMINISTRATIVE
HEARINGS

APPLICATION OF ONCOR ELECTRIC DELIVERY COMPANY
LLC FOR APPROVAL OF A SYSTEM RESILIENCY PLAN

SOAH ORDER NO. 1

FILING DESCRIPTION; JURISDICTION; SETTING PREHEARING
CONFERENCE; ADOPTING PROTECTIVE ORDER; AND GENERAL
PROCEDURES

I. FILING DESCRIPTION

On May 6, 2024, Oncor Electric Delivery Company LLC filed an application with the Public Utility Commission of Texas (Commission) for approval of its system resiliency plan pursuant to Public Utility Regulatory Act (PURA)¹ section 38.078.² Oncor seeks to recover expenses for resiliency measures related to

¹ Tex. Util. Code §§ 11.001-66.061.

² There are two separate statutes codified as PURA section 38.078; the statute applicable to this proceeding is titled “Transmission and Distribution System Resiliency Plan and Cost.”

extreme weather, wildfire, and physical and cybersecurity threats. Over a three-year period, Oncor estimates that the programs in its Resiliency Plan will cost approximately \$3.412 billion in capital and operation-and-maintenance costs.

II. JURISDICTION

The Commission has jurisdiction to consider Oncor's application pursuant to PURA sections 14.151 and 38.078. The Commission referred this case to the State Office of Administrative Hearings (SOAH) on May 8, 2024, requesting the assignment of an Administrative Law Judge to conduct a hearing and issue a proposal for decision, if necessary.³ SOAH has jurisdiction over this proceeding pursuant to PURA section 14.053 and Texas Government Code section 2003.049.

III. SETTING PREHEARING CONFERENCE

A prehearing conference will be held at **10:00 AM (CT) on May 24, 2024**, remotely via Zoom videoconference. Unless the parties provide a court reporter, the audio portion of the hearing will be recorded, and it will be the official record of the proceeding. Attend the hearing in one of these ways:

To join by computer or smart device, go to
<https://soah-texas.zoomgov.com> and enter:

Meeting ID: 161 786 2090

Video Passcode: PUC29E

³ The Commission Order of Referral states that the Commission will consider and adopt a preliminary order in this docket at a future open meeting.

To join by telephone (audio only), call
+1 669 254 5252, and enter:

Meeting ID: 161 786 2090

Telephone Passcode: 846520

The following matters will be discussed at the prehearing conference:

1. any pending motions filed by **NOON on May 23, 2024**;
2. a procedural schedule, including discovery deadlines, a deadline for pre-filed exhibits, and a date(s) for the hearing on the merits; and
3. any other matter that may assist in the disposition of this case in a fair and efficient manner.

IV. ADOPTING PROTECTIVE ORDER

With one modification for the express protection of critical energy/electric infrastructure information, Oncor requests entry of the Commission's standard protective order, under 16 Texas Administrative Code section (Rule) 22.142(c), for the protection of submitted materials in this proceeding containing privileged, confidential, competitively sensitive, proprietary trade secret data, and commercial and financial information. Oncor's proposed protective order is attached to its Application as Attachment F.

Oncor's proposed protective order is **ADOPTED** and applies to this docket. Any objections to the form of the adopted protective order must be filed **no later than five working days** after the date of this order.

V. GENERAL PROCEDURAL REQUIREMENTS

All Commission filings are available for viewing and downloading from the Commission's Interchange available at <http://interchange.puc.texas.gov/>, by entering the control number 56545 and selecting the "search" tab. A list of documents filed in the docket will appear, which can be accessed by clicking on the document number (with a few exceptions such as confidential documents, if any). The Commission's procedural rules are available on the Commission's website (<http://www.puc.texas.gov/agency/rulesnlaws/procrules/Procedural.aspx>). The procedural rules will govern the conduct of these proceedings, and the parties are expected to comply with those rules.

Routine procedural and logistical questions may be directed to the ALJ's administrative assistant, Lee Curry, at lee.curry@soah.texas.gov. SOAH support personnel may not provide advice or interpret law or orders for the parties.

Except as modified by orders issued in these proceedings or by the Commission or SOAH, the Commission's procedural rules govern. The parties should review the Commission and SOAH websites as needed for updates regarding any such modifications.

A. FILING AND SERVICE

Filing of pleadings is governed by Rule 22.71 and service is governed by Rule 22.74. However, under the Commission's Second Order entered in Docket No. 50664, all parties must file any pleading or document with the Commission

solely through the Interchange on the Commission's website (<https://interchange.puc.texas.gov/filer>) and provide notice, by e-mail, to all other parties that the pleading or document has been filed with the Commission, unless otherwise ordered. It will be incumbent upon all other parties to obtain a copy of the pleading or document by accessing the Interchange. **Filings should not be made at SOAH. All filings must contain both the applicable SOAH and PUC docket numbers.**

When a party files a document with the Commission, that party is also required to serve (i.e., provide a copy of that document to) every other party. At this time, service must be accomplished by e-mail. Any party to this proceeding who has not previously provided an e-mail address **SHALL file a notice informing the parties of the e-mail address to be used for service no later than seven days after the date of this order.**

B. MOTIONS

Motions for continuance are governed by Rule 22.79. If a continuance or extension of time is sought, the motion shall propose a range of new dates and state whether the other parties agree. The ALJ will not contact parties to ascertain their position or to negotiate dates. In the absence of a ruling by the ALJ, a contested motion for continuance or extension is not granted and the existing schedule remains in place.

Unless otherwise specified in the applicable procedural rules, responses to any motion or other pleading shall be filed within five working days from receipt of

the motion or pleading. The response shall state the date of receipt of the motion or pleading to which a response is made. If a party does not respond to a motion, the ALJ will assume that the party agrees with the motion or does not oppose the requested relief.

C. DISCOVERY

Discovery may begin immediately. Copies of requests for information (RFIs) and objections and responses to RFIs will not be provided to the ALJ. If a party files a motion to compel responses to discovery, the motion shall include every RFI and objection to which the motion applies. Any affidavits supporting an objection, motion to compel, or response shall be attached to the relevant document. The ALJ will resolve discovery disputes based on the written documents, any sworn affidavits attached thereto, and materials, if any, provided for in camera inspection, unless the ALJ concludes that a prehearing conference on the discovery dispute should be held.

If a party seeks in camera review of documents in accordance with Rule 22.144(g), it will submit the documents to the ALJ at SOAH. Documents submitted for review should not be filed with the Commission filing clerk. If they are filed with the Commission filing clerk, even inadvertently, the documents may not be physically removed from the Commission. Further, any claim to privilege or exemption may be waived by the filing.

Signed May 9, 2024

ALJ Signature(s):

A handwritten signature in black ink, appearing to read "Daniel Wiseman", is written over a horizontal line.

Daniel Wiseman,

Presiding Administrative Law Judge