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BEFORE THE
STATE OFFICE OF ADMINISTRATIVE
HEARINGS

APPLICATION OF SOUTHWESTERN PUBLIC SERVICE
COMPANY TO ADJUST ITS ENERGY EFFICIENCY COST
RECOVERY FACTOR

SOAH ORDER NO. 1
DESCRIPTION OF CASE; FILING DEADLINES; PROTECTIVE ORDER;
CONDITIONALLY ADOPTING PROCEDURAL SCHEDULE; OTHER
PROCEDURES

On May 1, 2024, Southwestern Public Service Company (SPS) filed an application to adjust its energy efficiency cost recovery factor (EECRF) and for other related relief pursuant to 16 Texas Administrative Code sections (Rule) 25.181 and .182. The Public Utility Commission of Texas (Commission) has jurisdiction over this application pursuant to Texas Utilities Code § 39.905. On May 3, 2024, the Commission referred this case to the State Office of Administrative Hearings (SOAH), requesting the assignment of an Administrative Law Judge (ALJ) to conduct a hearing and issue a proposal for decision (PFD), if such is necessary, and

provided a preliminary order listing the issues to be addressed in this docket. SOAH has jurisdiction over matters relating to the conduct of the hearing in this proceeding pursuant to Texas Utilities Code § 14.053 and Texas Government Code § 2003.049.

I. COMMENTS ON SUFFICIENCY

Commission staff (Staff) shall, and any other party may, file its comments on the sufficiency of SPS's proposed notice no later than **May 10, 2024**. If Staff finds the proposed notice sufficient, SPS shall immediately commence providing notice. Upon completion, proof of notice shall be filed with the Commission.

Staff shall, and any other party may, file its comments on the sufficiency of the application for purposes of further review no later than **May 16, 2024**.

II. PROTECTIVE ORDER

A proposed protective order, filed as Attachment B to the application, is **ADOPTED** and applies to this case, subject to any objections filed no later than 5 days of this order.

III. PROCEDURAL SCHEDULE

In its application, SPS proposes a procedural schedule. Having reviewed the schedule, the ALJ finds that it complies with the time limits in Rule 25.182(d)(9)(D) and (E). SPS did not propose a schedule if a hearing is requested. The procedural schedule, as set out below, is **CONDITIONALLY ADOPTED** if no alternative schedule is proposed **within ten days of this order**:

Event	Deadline
Proof of Notice	May 15, 2024
Intervention Deadline	May 29, 2024
Request for Hearing	June 3, 2024
<u>If No Hearing Requested</u>	
Staff Recommendation	June 24, 2024
Parties' Proposed Order	July 1, 2024
<u>If Hearing Requested</u>	
End of Discovery on SPS's Direct	June 6, 2024
Objections to SPS's Direct	June 6, 2024
Intervenor Direct Testimony	June 7, 2024
Replies to Objections to SPS's Direct Testimony	June 13, 2024
Objections to Intervenor Direct	June 14, 2024
Staff Direct Testimony	June 14, 2024
End of Discovery on Intervenor Direct	June 14, 2024
End of Discovery on Staff Direct	June 21, 2024
Replies to Objections to Intervenor Direct	June 21, 2024
Objections to Staff Direct Testimony	June 21, 2024
Discovery Responses on Intervenor Direct	June 21, 2024
SPS Rebuttal and Cross-Rebuttal Testimony	June 26, 2024
Discovery Responses on Staff Direct	June 26, 2024
Hearing on the Merits (by Zoom)	July 9, 2024

A hearing will be set only if requested by June 3, 2024.

IV. DISCOVERY AND OTHER PROCEDURAL MATTERS

Discovery may begin immediately pursuant to subchapter H of the Commission's procedural rules. The following deadlines shall apply to discovery matters in this case:

1. Responses to requests for information (RFIs) shall be filed within **10 calendar days** of receipt;
2. Objections to RFIs shall be filed within **five working days** of receipt;
3. Motions to compel shall be filed within **two working days** of receipt of objections; and
4. Responses to motions to compel shall be filed within **two working days** of receipt.

Because this case has a regulatory deadline, unless otherwise specified, responses to any motion or other pleading shall be filed with **three working days** from receipt of the pleading to which the response is made.

All documents shall be filed with the Commission's filing clerk, not with the SOAH filing clerk. Both the SOAH and Commission docket numbers must be included in the caption of all documents or other correspondence filed in this case. Parties wishing to hand-deliver a file-stamped copy of a document to the ALJ (such as protected material not available on the Commission interchange) should deliver it to Room 504, 5th Floor, William P. Clements Building, 300 West 15th Street, Austin, Texas.

Signed May 6, 2024



Christian Siano,
Presiding Administrative Law Judge