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BEFORE THE
STATE OFFICE OF ADMINISTRATIVE
HEARINGS

APPLICATION OF ONCOR ELECTRIC DELIVERY
COMPANY LLC TO ADJUST ITS ENERGY EFFICIENCY
COST RECOVERY FACTOR

SOAH ORDER NO. 1
FILING DESCRIPTION; JURISDICTION; SETTING DEADLINE FOR
COMMENTS ON SUFFICIENCY OF APPLICATION AND NOTICE;
ADOPTING PROTECTIVE ORDER; SETTING PREHEARING
CONFERENCE; AND ADDRESSING PROCEDURES

I. FILING DESCRIPTION

On May 31, 2024, Oncor Electric Delivery Company LLC (Oncor) filed an application with the Public Utility Commission of Texas (Commission) to adjust its energy efficiency cost recovery factor (EECRF) for program year 2025. Oncor requests approval of its 2025 EECRF in the amount of \$72,153,890 based on the following components:

- \$54,809,236 in energy efficiency expenses forecasted for the 2025 program year;
- allocation of \$314 for the total under-recovery of 2023 energy efficiency costs that includes the required interest payment;
- inclusion of a \$16,592,374 energy efficiency performance bonus under 16 Texas Administrative Code (TAC) § 25.182(e) based on Oncor's energy efficiency achievements in 2023;
- \$742,852 for the estimated evaluation, measurement, and verification costs for the evaluation of program year 2024; and
- \$9,114 for EECRF proceeding expenses of municipalities that the Steering Committee of Cities Served by Oncor submitted to Oncor pursuant to 16 TAC § 25.182(d)(3)(B) for Oncor's most recent EECRF case, Docket No. 55074.¹

II. JURISDICTION

The Commission has jurisdiction and authority over this case under Public Utility Regulatory Act (PURA)² §§ 14.001 and 39.905 and 16 TAC §§ 25.181-.182.

On June 5, 2024, the Commission issued an Order of Referral and Preliminary Order that (1) referred this case to the State Office of Administrative Hearings (SOAH) for the assignment of a SOAH Administrative Law Judge (ALJ) to conduct a hearing and issue a proposal for decision (PFD), if necessary; and (2) set forth the issues that must be addressed in this proceeding.

¹ See *Application of Oncor Electric Delivery Company LLC to Adjust its Energy Efficiency Cost Recovery Factor*, Docket No. 55074, Order (Sept. 14, 2023).

² Tex. Util. Code §§ 11.001-66.016.

SOAH has jurisdiction over matters relating to the conduct of the hearing in this case under PURA § 14.053 and Texas Government Code § 2003.049.

III. SUFFICIENCY OF APPLICATION AND NOTICE

Oncor included a proposed form of notice with its application. On June 7, 2024, Oncor filed an affidavit attesting to the provision of notice. **No later than June 20, 2024**, Commission staff shall, and any other party may, file comments on the sufficiency of Oncor's application and proposed notice.

IV. PROTECTIVE ORDER

Oncor requested approval of the Commission's standard protective order attached to its application as Attachment B. No objections were filed. The proposed protective order is **ADOPTED**.

V. PREHEARING CONFERENCE AND PROCEDURAL SCHEDULE

A prehearing conference will be held at **2:00 p.m. (CT) on June 24, 2024**, remotely via Zoom videoconference. 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: 160 883 1358

Video Passcode: PUC682

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

Meeting ID: 160 883 1358

Telephone Passcode: 988779

The purpose of the prehearing conference is to address the following matters:
(1) pending motions filed **by NOON on June 21, 2024**; (2) a procedural schedule;
and (3) any other matter that may assist in the disposition of this case in a fair and
efficient manner.

Prior to the prehearing conference, Oncor **SHALL** confer with all parties and
persons/entities with pending motions to intervene regarding a procedural schedule
that complies with this Order. Under 16 TAC § 25.182(d)(8), the Commission must
issue a final order in this proceeding no later than March 1, 2025. Any proposed
procedural schedule must address the deadline for the Commission's final order and
allow 60 days for the preparation of the PFD after the record closes.³ The schedule
must also include deadlines for post-hearing briefs and proposed findings of fact,
conclusions of law, and ordering paragraphs. Additionally, the ALJ anticipates that
the hearing will be held by videoconference, so the procedural schedule must include
a deadline, no later than two business days before the hearing, for the parties to
prefile their exhibits, exhibit lists, witness lists, and order of presentation.

³ The record close date is the last date a post-hearing brief or proposed findings of fact, conclusions of law, and ordering paragraphs are filed.

If, **no later than NOON on June 21, 2024**, Oncor files an agreed procedural schedule that complies with this Order on behalf of all parties and persons/entities with pending motions to intervene, Oncor may file an agreed motion to cancel the prehearing conference. The ALJ will rule on such motion after reviewing the proposed schedule.

VI. GENERAL PROCEDURES

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 56682 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 at <https://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.

Except as modified by orders issued in this proceeding 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.

Routine procedural and logistical questions may be directed to the ALJ's legal secretary Lisa Gomez at lisa.gomez@soah.texas.gov. SOAH support personnel may not provide advice or interpret law or orders for the parties.

A. FILING AND SERVICE

Filing of pleadings is governed by 16 TAC § 22.71, and service is governed by 16 TAC § 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 at <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 16 TAC § 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.

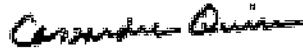
C. DISCOVERY

Discovery may begin immediately. If a party files a motion to compel responses to discovery, the motion shall include every request for information 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 16 TAC § 22.144(g), the party must deliver 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 June 10, 2024.

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

Cassandra Quinn,
Administrative Law Judge