



Filing Receipt

Filing Date - 2024-09-05 02:49:55 PM

Control Number - 56799

Item Number - 19

SOAH DOCKET NO. 473-24-22699
PUC DOCKET NO. 56799

| | | |
|--|----------|--------------------------------|
| APPLICATION OF ONCOR ELECTRIC | § | BEFORE THE STATE OFFICE |
| DELIVERY COMPANY LLC TO | § | |
| AMEND ITS CERTIFICATE OF | § | |
| CONVENIENCE AND NECESSITY FOR | § | OF |
| THE REITER SWITCH-TESORO | § | |
| SWITCH 345 KV TRANSMISSION LINE | § | |
| IN ECTOR AND MIDLAND COUNTIES | § | ADMINISTRATIVE HEARINGS |

ONCOR’S RESPONSE TO SOAH ORDER NO. 1

I. INTRODUCTION

On July 25, 2024, Oncor Electric Delivery Company LLC (“Oncor”) filed an application to amend its certificate of convenience and necessity for the Reiter Switch to Tesoro Switch 345-kilovolt transmission line project in Ector and Midland counties. The Public Utility Commission of Texas (“Commission”) referred the matter to the State Office of Administrative Hearings (“SOAH”) on July 26, 2024. On July 29, 2024, the SOAH Administrative Law Judge (“ALJ”) issued SOAH Order No. 1.

Among other things, SOAH Order No. 1: (a) requires Oncor to review the service list in this docket prior to the filing of Commission Staff’s direct testimony;¹ (b) reaffirms the intervention deadline for this proceeding as August 26, 2024, as established by the Commission ALJ’s Order of Referral and Preliminary Order;² (c) cautions that parties who fail to timely file written testimony or a statement of position will be dismissed, stressing: “**A request to intervene is not a statement of position.** A statement of position clarifies a party’s position but is not sworn-to, is not evidence, and is not subject to cross examination[;]”³ and (d) requires Oncor to file a list of all intervenors who do not timely file written testimony or a statement of position.⁴

In SOAH Order No. 2, the ALJ adopted a procedural schedule setting August 26, 2024, as the deadline for intervenors to file written testimony or a statement of position. Oncor timely files this response to SOAH Order No. 1, which provides updates to the service list and presents

¹ SOAH Order No. 1 at 9 (July 29, 2024).

² *Id.* at 5; *see also* Order of Referral and Preliminary Order at 4 (July 26, 2024).

³ SOAH Order No. 1 at 9 (July 29, 2024) (emphasis in original).

⁴ *Id.*

information in connection with Oncor's obligation to file a list of parties who did not timely file direct testimony or a statement of position.

II. SERVICE LIST

Oncor noted the following party who requested intervention and was not included on SOAH's service list at the time of Oncor's review:

| Party Name | Email |
|---------------------------|--|
| Matthew Bell ⁵ | mbell@kalpowar.com rmcneel@brockettmcneel.net |

III. PARTIES WHO DID NOT FILE TESTIMONY OR A STATEMENT OF POSITION

Two parties have requested to intervene in this proceeding, one of which is Matthew C. Bell.⁶ Attached to his request to intervene is a letter containing Mr. Bell's comments on routing considerations and selection. To avoid the improper classification of filings pursuant to directives in SOAH Order No. 1,⁷ Oncor respectfully requests that the status of Mr. Bell's filing be determined by the SOAH ALJ.⁸

Mr. Bell is an active participant and is in communication with Oncor regarding this proceeding. Oncor will not object if the ALJ credits the comments attached to Mr. Bell's intervention request as a statement of position.

IV. CONCLUSION

Oncor respectfully: (1) presents the findings of its review of the service list, and (2) moves to dismiss any intervenor the ALJ deems not to have properly filed written testimony or a statement of position.

⁵ See Request to Intervene (Aug. 26, 2024).

⁶ See *id.*

⁷ See SOAH Order No. 1 at 9 (July 29, 2024).

⁸ See 16 Tex. Admin. Code § 22.124(b) (authorizing such an exercise of discretion by the presiding officer when determining whether the contents of a filing amount to a statement of position).

Respectfully submitted,

By: /s/ Rachael L. Curtin

Jaren A. Taylor
State Bar No. 24059069
Rachael L. Curtin
State Bar No. 24132295

VINSON & ELKINS LLP
Trammell Crow Center
2001 Ross Avenue, Suite 3900
Dallas, Texas 75201-2975
Telephone: (214) 220-7754
Facsimile: (214) 999-7754
jarentaylor@velaw.com
rcurtin@velaw.com

**ATTORNEYS FOR ONCOR ELECTRIC
DELIVERY COMPANY LLC**

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been filed with the Commission and served on all parties via email pursuant to SOAH Order No. 1 in this docket, on this the 5th day of September, 2024.

/s/ Terri Watts