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**BEFORE THE
STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

**APPLICATION OF SOUTHWESTERN PUBLIC SERVICE
COMPANY TO AMEND ITS INTERRUPTIBLE CREDIT
OPTION TARIFF AND FOR APPROVAL OF A SOUTHWEST
POWER POOL INTEGRATED MARKETPLACE DEMAND
RESPONSE OPTION TARIFF**

**SOAH ORDER NO. 3
ADOPTING PROCEDURAL SCHEDULE, SETTING HEARING ON THE
MERITS, AND ADDRESSING EVIDENCE SUBMISSION PROCEDURES**

I. ADOPTING PROCEDURAL SCHEDULE

On January 3, 2025, Southwestern Public Service Company (SPS) filed an unopposed procedural schedule. The proposed procedural schedule is **ADOPTED**.¹

¹The Administrative Law Judge notes that SPS filed an amended procedural schedule on January 13, 2025, and this procedural schedule incorporates some dates from that filing. *See* SPS's Unopposed Amended Procedural Schedule (Jan. 13, 2025).

Event	Date/Deadline
Deadline for discovery on and objections to SPS direct testimony Intervenor direct testimony and statements of position	March 7, 2025
Responses to objections to SPS direct testimony Objections to intervenor direct testimony Staff direct testimony and statements of position	March 14, 2025
Responses to objections to intervenor direct testimony Objections to Staff direct testimony	March 21, 2025
Settlement conference	March 24, 2025
Responses to objections to Staff direct testimony	March 28, 2025
Deadline for discovery on Staff and intervenor direct testimony SPS rebuttal testimony	April 4, 2025
Objections to SPS rebuttal testimony Prefiling of exhibits Deadline for discovery on rebuttal	April 11, 2025
Responses to objections to rebuttal testimony	Live at hearing
Hearing on the Merits	April 16, 2025

Initial briefs	April 30, 2025
Reply briefs and proposed findings of fact, conclusions of law, and ordering paragraphs	May 13, 2025

Additionally, the parties agreed to the following:

- Testimony drafts and e-mails with testimony drafts attached are not discoverable.
- Email service is a valid method of service.
- Requests for Information (RFIs) must be served in Microsoft Word format.
- Workpapers for Staff/Intervenor direct and SPS rebuttal are due one working day after the respective testimonies are filed.
- Deadlines for discovery on Applicant direct are governed by the Commission's procedural rules.
- For written discovery on intervenor and Staff direct testimony:
 - Responses are due within 10 calendar days of service of RFIs;
 - Objections are due within 5 calendar days of service of the RFIs;
 - Motions to compel are due within 3 business days of receipt of an objection; and
 - Responses to motions to compel are due within 3 business days of receipt of the motion to compel.
- For written discovery on Applicant rebuttal:
 - Responses are due within 5 calendar days of service of RFIs;
 - Objections are due within 3 business days of service of RFIs;
 - Motions to compel are due within 2 business days of receipt of an objection; and
 - Responses to motion to compel are due within 2 business days of receipt of the motion to compel or live at the hearing.

II. SETTING HEARING ON THE MERITS

The Administrative Law Judge will convene a hearing on the merits at **9:00 a.m. (CT) on April 16, 2025**. Participate in the following ways:

<p><u>Join by computer or smart device:</u> Go to https://soah-texas.zoomgov.com and enter the following: Meeting ID: 161 403 6250 Passcode: PUC886</p>	<p><u>Join by telephone (audio only):</u> Call +1 669 254 5252 and enter the following: Meeting ID: 161 403 6250 Passcode: 141716</p>
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III. PRE-AND POST-HEARING PROCEDURES

- **COURT REPORTER REQUIREMENTS**

As soon as practicable, SPS SHALL:

- Secure a court-reporting service to transcribe the hearing and notify the other parties of the service that has been retained; and
- Confirm with the court-reporting service, after conferring with the parties, 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.²

² The parties may agree upon an alternative delivery method for providing each other with exhibits and the required information below.

cc If the parties do not use a file-sharing site, SPS will 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.

- **PRE-HEARING SUBMISSIONS**

By April 11, 2025, three business days before the hearing, the parties **SHALL** comply with the following requirements:

- SPS 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
 - A list of witnesses for whom cross-examination has been waived.
- Each party shall submit electronic copies of the following to SOAH, all other parties, and the court reporter:
 - 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;
 - a list of all exhibits the party intends to offer at the hearing in MS Word format (including, for example, on cross-examination, if known prior to the hearing); and
 - all exhibits included on the party's exhibit list, to the following persons/entities as described below to SOAH and other parties.

1. **Pre-Hearing Submissions to SOAH via Kiteworks**

SOAH has recently implemented a new file-sharing platform for submission of exhibits. **The parties shall upload any proposed exhibits** via SOAH's Kiteworks platform at <https://soah.kiteworks.com/form/upload#/>

Parties **SHALL** comply with the following instructions when uploading prehearing exhibits:

- Select the “Prehearing Submission” tab.
- All exhibits must be clearly labeled to identify the submitting party, the exhibit number, and a brief description. Parties may submit up to 10 individual files or folders per upload.³ The contents of any folders that are uploaded must be clearly identified. Examples provided below:
 - Staff Direct (folder): Staff Ex. 1 Eiland Direct Redacted (*file*); Staff Ex. 1B Eiland Direct Workpapers (*file*); Staff Ex. 2 Quijano Direct Redacted (*file*)
 - Staff Direct-Confidential (folder): Staff Ex. 1A Eiland Direct-Confidential (*file*); Staff Ex. 2A Quijano Direct-Confidential (*file*)
- There is a 2-gigabit limit per submission. Parties with exhibits that may reach or exceed that limit are encouraged to compress (i.e., zip) their uploaded files/folders.
- **Confidential/HSPM Exhibits Separated From Non-Confidential**: Parties shall make *separate uploads* in Kiteworks to submit Confidential and Highly Sensitive Protected Materials (HSPM), if any. The party must select the appropriate classification in the “Designate Classification” field in Kiteworks, and the files and folders must also be clearly labeled as Confidential or HSPM.

2. Pre-Hearing Submissions to other parties and the court reporter:

Kiteworks is a one-way submission platform to allow SOAH to receive exhibits. The use of Kiteworks does not relieve the parties of obligations to exchange exhibits among each other. The parties may exchange exhibits to each

³ If a party seeks to upload more than 10 files, the party shall upload a zipped folder containing the individual files. For purposes of uploading, Kiteworks considers one file folder, even if it contains multiple/numerous subfolders, as one file.

other by uploading to an applicable file-sharing site hosted by SPS or any other means agreed to by the parties and the court-reporting service.

- **POST-HEARING SUBMISSIONS**

- **No later than the first business day following the 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.*, Applicant Admitted Exhibits, Staff Admitted Exhibits, etc.). A party's failure to timely include its exhibits in the record set of 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-reporting service. This submission shall contain 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.

- **GENERAL REQUIREMENTS FOR EXHIBIT LISTS AND EXHIBITS**

Parties **SHALL** comply with the following requirements for all pre- and post-hearing exhibit submissions:

- Exhibit lists shall identify any exhibit containing Protected Materials or Highly Sensitive Protected Materials under the Protective Order adopted 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.

For questions about SOAH's Kiteworks platform, call the Chief Clerk's Office at (512) 475-4993.

Signed January 14, 2025



Rachelle Nicolette Robles,
Presiding Administrative Law Judge