



## **Filing Receipt**

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**Item Number - 10**

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**BEFORE THE**  
**STATE OFFICE OF ADMINISTRATIVE**  
**HEARINGS**

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**APPLICATION OF TEXAS-NEW MEXICO POWER COMPANY**  
**FOR APPROVAL OF A SYSTEM RESILIENCY PLAN**

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**SOAH ORDER NO. 1**

**PROJECT DESCRIPTION; JURISDICTION AND DECISION DEADLINE;**  
**REQUIRING COMMENTS ON SUFFICIENCY OF APPLICATION AND**  
**NOTICE; SETTING PREHEARING CONFERENCE; ADOPTING**  
**PROTECTIVE ORDER; AND GENERAL PROCEDURES**

**I. PROJECT DESCRIPTION**

On August 28, 2024, Texas-New Mexico Power Company (TNMP) filed an application with the Public Utility Commission of Texas (Commission) for approval of its proposed system resiliency plan (SRP) under PURA<sup>1</sup> § 38.078(c) and 16 Texas Administrative Code § (Rule) 25.62.

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<sup>1</sup> Public Utility Regulatory Act, Tex. Util. Code §§ 11.001-66.016.

TNMP's SRP covers a period of three years and will require, TNMP estimates, \$600.3 million in capital costs and \$150.8 million in O&M expenses over the 2025-2027 SRP period.

## **II. JURISDICTION AND DECISION DEADLINE**

The Commission has jurisdiction to consider TNMP's application pursuant to PURA §§ 14.151 and 38.078. The Commission referred this case to the State Office of Administrative Hearings (SOAH) on August 29, 2024, requesting the assignment of an Administrative Law Judge to conduct a hearing and issue a proposal for decision (PFD), if necessary. The Commission also issued its Preliminary Order setting forth the issues to be addressed in this proceeding. SOAH has jurisdiction over this proceeding pursuant to PURA § 14.053 and Texas Government Code § 2003.049.

Per PURA § 38.078(e) and Rule 25.62(d)(3), the Commission must approve, modify, or deny a resiliency plan no later than 180 days after a complete resiliency plan is filed. Assuming TNMP's application is complete as filed on August 28, 2024, the Commission's deadline to issue a final order on TNMP's application is **February 24, 2025.**<sup>2</sup>

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<sup>2</sup> The ALJ will not rule on the completeness of TNMP's application until after receiving and reviewing Staff's recommendation on sufficiency discussed below.

### **III. SUFFICIENCY OF APPLICATION AND NOTICE**

Per the Commission's Preliminary Order, Commission staff (Staff) must, and any other party may, file a recommendation on the sufficiency of TNMP's application within 28 calendar days of its filing date, that is, by **Wednesday, September 25, 2024**.

By that same deadline, Staff must, and any other party may, file a recommendation on the sufficiency of TNMP's notice of its application.

### **IV. SETTING PREHEARING CONFERENCE**

A prehearing conference will be held at **10:00 a.m. (CT) on September 16, 2024**, remotely via Zoom videoconference. Unless TNMP provides 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:           **160 475 9983**

Video Passcode:   **PUC525**

To join by telephone (audio only), call

+1 669 254 5252, and enter:

Meeting ID:           **160 475 9983**

Telephone Passcode:   **171194**

The purpose of the prehearing conference is to discuss the following matters: (1) any pending motions filed by 1:00 p.m. on September 13, 2024; (2) a procedural schedule, including a date for the hearing on the merits;<sup>3</sup> and (3) any other matters that may assist in the disposition of this case in a fair and efficient manner.

## **V. ADOPTING PROTECTIVE ORDER**

TNMP requests the adoption of the protective order included in its application as Attachment 3.<sup>4</sup> No objections were received; therefore, the protective order is **ADOPTED** and shall govern in this proceeding.

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.

## **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 56954 and selecting the "search" tab. A list of documents filed in this 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 (<https://www.puc.texas.gov/agency/rulesnlaws/procrules/procedural.aspx>). The

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<sup>3</sup> All proposed procedural schedules shall provide the ALJ with 60 days to draft the PFD and the Commission with 35 days to review the PFD prior to the expiration of the 180-day deadline.

<sup>4</sup> TNMP notes its proposed protective order is the Commission's Standard Protective Order, with modifications to include Critical Energy Infrastructure Information under the definition of Highly Sensitive Protected Materials.

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](mailto: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 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.

#### **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 September 3, 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