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**BEFORE THE
STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

**APPLICATION OF AEP TEXAS, INC. FOR APPROVAL OF A
SYSTEM RESILIENCY PLAN**

SOAH ORDER NO. 3

**ADOPTING AGREED PROCEDURAL SCHEDULE; SETTING HEARING ON
THE MERITS; AND PRE- AND POST HEARING EXHIBIT SUBMISSION
INSTRUCTIONS**

I. ADOPTING AGREED PROCEDURAL SCHEDULE

On October 10, 2024, AEP Texas Inc. (AEP Texas) filed an agreed procedural schedule and unopposed motion to cancel the prehearing conference scheduled for October 11, 2024. All parties either support or do not oppose the proposed schedule and unopposed motion and therefore both requests are **GRANTED**. The following procedural schedule proposed by the parties is **ADOPTED**, with a minor

modification regarding the date for prehearing exhibit submissions, and shall govern this proceeding unless otherwise ordered:

Event	Date/Deadline
Resiliency Application and Plan Filing Date	September 25, 2024
Technical Conference	October 17, 2024
Deadline for Staff's Recommendation on Sufficiency of Application	October 23, 2024
Intervention Deadline	October 25, 2024
16 TAC§ 26.62(d)(2)(C) sufficiency date	November 6, 2024
Deadline to serve discovery on AEP Texas' Direct Testimony; deadline for objections on AEP Texas' Direct Testimony	November 8, 2024
Response to objections to AEP Texas' Direct Testimony	November 15, 2024
Intervenors' Direct Testimony	November 19, 2024
Staff's Direct Testimony	November 26, 2024
Deadline for objections to Intervenors' Testimony	November 26, 2024
Settlement Conference	December 3, 2024
Deadline to serve discovery on Staff's Direct Testimony and Intervenors' Testimony; Deadline for objections to Staff's Direct Testimony	December 6, 2024
Deadline for response to objections to Intervenors' Direct Testimony	December 6, 2024
AEP Texas' Rebuttal Testimony; Staff's and Intervenors' Cross-Rebuttal Testimony	December 12, 2024
Deadline for response to objections to Staff's Direct Testimony	December 13, 2024
Deadline to serve discovery on AEP Texas' Rebuttal Testimony and Staff's and Intervenors'	December 16, 2024

Cross-Rebuttal Testimony	
Deadline for objections to AEP Texas' Rebuttal Testimony and Staff's and Intervenors' Cross-Rebuttal Testimony	December 16, 2024
Submission of hearing exhibits to Kiteworks, as instructed below ¹	December 16, 2024
Deadline for response to objections to AEP Texas' Rebuttal Testimony and Staff's and Intervenors' Cross-Rebuttal Testimony	December 19, 2024 (live at hearing)
Hearing on the Merits	December 19-20, 2024
Initial Briefs	January 9, 2025
Reply Briefs and proposed findings of fact, conclusions of law, and ordering paragraphs	January 16, 2025
PFD (60 days after close of record)	March 17, 2025
Exceptions to the PFD ²	March 24, 2025
Replies to Exceptions to the PFD	March 31, 2025
PURA § 38.078(e) 180-day Deadline plus 28-day extension (35 days after PFD)	April 21, 2025

II. SETTING HEARING ON THE MERITS

The hearing on the merits will commence at **9:00 a.m. (CT) on December 19, 2024**, remotely via Zoom videoconference. 1 Tex. Admin. Code § 155.405(c). If needed, the hearing will resume at 9:00 a.m. on December 20, 2024.

¹ Instructions on submitting exhibits via Kiteworks are provided below. Additionally, the ALJ revised this date to provide SOAH's Records Team with sufficient time to download party exhibits from Kiteworks prior to the hearing.

² Note, the dates for party exceptions to the PFD and for replies to exceptions is set by the Commission's Counsel, not the ALJ, and thus those dates may be later set on dates that differ from the dates agreed to above. Therefore, the ALJ includes the parties' agreed deadlines for exceptions and replies to exceptions in the adopted schedule above for the purpose of memorializing the parties' complete agreed procedural schedule as well as AEP Texas' agreement for a 28-day extension of the 180-day deadline in PURA § 38.078(c).

AEP Texas **SHALL** provide a court reporter to transcribe the hearing, 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: 161 103 2510

Video Passcode: PUC592

To join by telephone (audio only), call

+1 669 254 5252, and enter:

Meeting ID: 161 103 2510

Telephone Passcode: 160523

III. PRE- AND POST-HEARING PROCEDURES

A. COURT REPORTER REQUIREMENTS

As soon as practicable, AEP Texas **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.³

³ The parties may agree upon an alternative delivery method for providing each other with exhibits and the required information below.

- ☞ If the parties do not use a file-sharing site, AEP Texas 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.

B. PRE-HEARING SUBMISSIONS

By December 16, 2024, three business days before the hearing, the parties SHALL comply with the following requirements:

- AEP Texas 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.⁴ 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.
- Further information may be found on at <https://www.soah.texas.gov/kiteworks-secure-file-sharing>

⁴ 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.

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

C. 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.

D. GENERAL REQUIREMENTS FOR EXHIBIT LISTS AND EXHIBITS

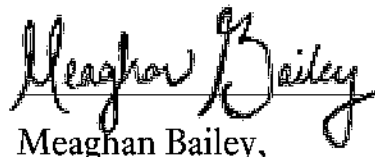
Parties **SHALL** comply with the following requirements for all pre- and post-hearing exhibit submissions:

- 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 October 16, 2024

ALJ Signature(s):

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Meaghan Bailey,

Presiding Administrative Law Judge

