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BEFORE THE
STATE OFFICE OF ADMINISTRATIVE
HEARINGS

**JOINT APPLICATION OF THE CITY OF SAN ANTONIO,
ACTING BY AND THROUGH THE CITY PUBLIC SERVICE
BOARD (CPS ENERGY), AND SOUTH TEXAS ELECTRIC
COOPERATIVE, INC. (STEC) TO AMEND THEIR
CERTIFICATES OF CONVENIENCE AND NECESSITY FOR
THE PROPOSED HOWARD ROAD-TO-SAN MIGUEL 345-KV
TRANSMISSION LINE IN BEXAR AND ATASCOSA
COUNTIES**

SOAH ORDER NO. 2
**MEMORIALIZING PREHEARING CONFERENCE, RULING ON MOTIONS
TO INTERVENE, ADOPTING PROCEDURAL SCHEDULE, AND
SCHEDULING HEARING**

A prehearing conference was convened on October 18, 2024 at which a number of issues were discussed as enumerated in this Order.

Clarification of Intervention Deadline. SOAH Order No. 1 listed the intervention deadline as November 3, 2024; however, because that date falls on a Sunday, the Administrative Law Judges (ALJs) clarified that the correct intervention deadline is November 4, 2024.

Ruling on Motions to Intervene. The City of San Antonio, acting by and through the City Public Service Board (CPS Energy) and South Texas Electric Cooperative, Inc. (STEC) (together, Applicants) stated they had no objection to the following motions to intervene, which were **GRANTED**:

- Frank Allen Ranch, LLC (Interchange Item No. 11);
- Andrew T. Moody, et al. (Interchange Item No. 13);
- 5M Cattle Co., Ltd., et al. (Interchange Item No. 15) and Marble & Ivy Trusts and Venetia Mitchell (Interchange Item No. 19) (collectively, the Mitchell Family Alliance);
- Earl Hammond (Interchange Item No. 17);
- Robert & Glenda Gossett (Interchange Item No. 21);
- Ricardo Rios (Interchange Item No. 22);
- The Farmacy LLC (Interchange Item Nos. 23, 34 (duplicate));
- Orlando Torres (Interchange Item No. 24);
- Charles and Linda Ertel (Interchange Item No. 27);
- Charles J. Ertel and Charlene Staha (Interchange Item No. 28);
- Perry Feeders, Inc. (Interchange Item No. 29);
- Abram Camero (Interchange Item No. 30); and
- JTR Farms, LLC (Interchange Item No. 31).

Other pending motions to intervene will be ruled upon after the period for filing objections has passed and will be addressed in a subsequent order.

Procedural Schedule and Hearing on the Merits. The parties discussed hearing dates and a briefing schedule, and Applicants filed an “Agreed Procedural Schedule and Other Procedural Matters” on October 22, 2024, as requested by the ALJs. The ALJs hereby **ADOPT** the procedural schedule as provided below.

DATE	DEADLINE
October 4, 2024	Filing of Application and Applicants Direct Testimony
October 18, 2024	Prehearing Conference
October 24, 2024	Affidavits Proving Mailed Notice
When available	Affidavits Proving Publication Notice
November 1, 2024	Comments on Sufficiency of the Application and Notice
November 4, 2024	Intervention Deadline
November 4, 2024	Deadline for Parties to Request a Hearing
November 4, 2024	Statement Challenging Route Adequacy and Request for Preliminary Hearing on Route Adequacy
November 4, 2024	Objections to Applicants Direct Testimony
November 8, 2024	Deadline for Sending Written Discovery on Application and Applicants’ Direct Testimony
November 8, 2024	Replies to Statements on Route Adequacy
November 8, 2024	Replies to Objections to Applicants’ Direct Testimony
November 12, 2024	Intervenor Direct Testimony or Statement of Position

November 13, 2024	Route Adequacy Hearing (if necessary) (the same Zoom meeting details below will be applicable to any route adequacy hearing)
November 15, 2024	Objections to Intervenor Direct Testimony
November 19, 2024	Responses to Objections to Intervenor Direct Testimony
November 21, 2024 (by 5 pm)	Staff Direct Testimony
November 21, 2024 (by 5 pm)	Intervenor Cross-Rebuttal Testimony
November 27, 2024	Objections to Staff Direct Testimony
November 27, 2024 (by 5 pm)	Applicants Rebuttal Testimony (PUC may close early – Joint Applicants will email to parties)
December 2, 2024	Sending Written Discovery on Staff and Intervenor Direct Testimony
December 4, 2024	Sending Written Discovery on Intervenor Cross-Rebuttal Testimony and Objections to Cross-Rebuttal Testimony
December 4, 2024	Applicants to file Map Exhibits with Intervenors, Routes of Interest, and Route Changes (if any)
December 4, 2024	Objections to Applicants Rebuttal Testimony
December 4, 2024	Deadline for Sending Written Discovery on Applicants Rebuttal Testimony
December 4, 2024	Replies to Objections to Intervenor Cross-Rebuttal Testimony

December 4, 2024	Submission of Witnesses to be Cross Examined
December 6, 2024	Submission of Hearing Exhibits, Witness Lists, and Waivers of Cross (Applicants to include an exhibit with all applicable route data on a single exhibit as well as an “Intervenor Map” showing the location of intervenor property as well as the main “focus routes”)
December 9-11, 2024	Hearing on Merits (The ALJs note that Scotty Lyssy and Mitch Meyer are unavailable until December 11 and may be taken out of order.)
December 20, 2024	Initial Briefs
January 6, 2025	Reply Briefs (including proposed Findings of Facts, Conclusions of Law, and Ordering Paragraphs)

The parties also agreed to, and the ALJs hereby adopt, the following procedures:

1. Requests for Information (RFIs) must be served in Microsoft (MS) Word format, and RFIs that are received after 3:00 p.m. shall be deemed to have been received the following day.
2. Discovery deadlines for Applicants’ Direct Case: ten calendar days for responses; three working days for objections, motions to compel, and responses to motions to compel.
3. Discovery deadlines for Intervenors and Staff Direct and Cross-Rebuttal Cases: five calendar days for responses; three working days for objections, motions to compel, and responses to motions to compel.
4. Discovery deadlines for Applicants’ Rebuttal Case: five calendar days for responses; objections to be made at the hearing on the merits.
5. Applicants agree to provide an electronic document repository for the Parties’ prehearing submissions. No later than fourteen (14) days before the hearing on the merits, Applicants will provide instructions to parties on how documents may be uploaded to the document repository.

6. Uploading hearing exhibits to the document repository is sufficient service to all parties of the exhibits. In other words, the parties are not required to both upload hearing exhibits and serve every party with their exhibits. **Parties must also upload exhibits and exhibit/witness lists to Kiteworks as described below, so that the ALJs have access to the documents. The ALJs will not have access to the document repository.**
7. E-mail is an acceptable form of service. Filing on the PUC interchange is deemed to be service of any submission or pleading; however, any submission or pleading that requires a response from a party must be served via e-mail on the party from which a response is required.
8. Applicants will offer their entire application into evidence as a hearing exhibit so that intervenors can rely upon that exhibit and not have to file duplicate exhibits.
9. Testimony drafts and statements of position will not be discoverable, nor will emails transmitting drafts of testimony and statements of position be discoverable.

At the prehearing conference the parties discussed whether the hearing would take place in-person or via Zoom videoconference, but did not come to an agreement. This issue was not addressed in the filing regarding the hearing date and procedures. Therefore, the hearing will be via Zoom videoconference. The hearing on the merits will convene at 9:00 a.m. CT on December 9, 2024, via videoconference. The hearing is expected to last three days. Attend in one of these ways:

By Computer or Smart Device go to: https://soah-texas.goomgov.com and enter: Meeting ID: 161 936 7674 Video Passcode: PUC253	By telephone (audio only), call +1 669 254 5252, and enter: Meeting ID: 161 936 7674 Telephone Passcode: 316530
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Pre- and Post-Hearing Procedures. The parties shall comply with the following procedures.

A. COURT REPORTER REQUIREMENTS

As soon as practicable, Applicants **SHALL**:

- Secure a court-reporting service to transcribe the hearing and notify the other parties of the service that has been retained; and
- Notify the court-reporting service that they will receive and have access to exhibits via Applicants' electronic document repository.

B. PRE-HEARING SUBMISSIONS

By December 6, 2024, the parties **SHALL** comply with the following requirements:

- Applicants 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, if any;
 - 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 via Kiteworks as described below, and to all other parties and the court reporter via Applicants' electronic repository:
 - 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.¹ 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 at <https://www.soah.texas.gov/kiteworks-secure-file-sharing>

¹ 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.

C. 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.

D. POST-HEARING SUBMISSIONS

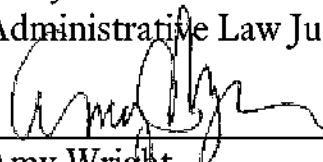
- **No later than the first business day following the conclusion of the hearing**, the parties shall confer and arrange to organize the admitted, record set of exhibits. All exhibits should be readily identifiable by specific folder (*e.g.*, Applicant Admitted Exhibits, Staff Admitted Exhibits, etc.). 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.

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

Signed October 25, 2024



Holly Vandrovec
Administrative Law Judge



Amy Wright
Administrative Law Judge