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BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS

APPLICATION OF EL PASO ELECTRIC COMPANY FOR AUTHORITY TO RECONCILE FUEL COSTS

SOAH ORDER NO. 5 REMOTE ACCESS INFORMATION; PRE- AND POST-HEARING REQUIREMENTS

A hearing on the merits in this matter is set to begin on June 5, 2025. This order provides remote access information for that hearing and prescribes certain other pre- and post-hearing requirements.

I. REMOTE ACCESS INFORMATION

Unless ordered otherwise, all hearings in this proceeding will be held remotely via videoconference and may be accessed as instructed below:

Join by computer or smart device
Go to <https://soah-texas.zoomgov.com> and enter the following:
Meeting ID: 160 205 8631
Passcode: PUC584

Join by telephone (audio only)
Call +1 669 254 5252, and then enter the following:
Meeting ID: 160 205 8631
Passcode: 378735

II. PRE- AND POST-HEARING REQUIREMENTS

The parties must comply with the following requirements prior to and after the hearing on the merits.

A. COURT REPORTER REQUIREMENTS

As soon as practicable, El Paso Electric Company (EPE) SHALL:

- Secure a court-reporting service to transcribe the hearing on the merits and notify the other parties of the reporting 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:
 - an electronic file-sharing site that the court-reporting service will also have access to;
 - filings on the Commission's Interchange; or
 - any other alternative method the parties agree upon.
- ☞ If the parties do not use a file-sharing site, EPE 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

No later than three days prior to the hearing, the parties **SHALL** comply with the following requirements:


- EPE 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 the witnesses;
 - 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.

1. Pre-Hearing Submissions to SOAH via Kiteworks

SOAH has 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*)

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.

- ☞ 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 Submission 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 EPE or any other means agreed to by the parties and the court-reporting service.

3. Cross-Examination Exhibits

Cross-examination exhibits not included in the parties’ initial prehearing exhibit submissions **SHALL** be submitted along with an updated exhibit list **no later than 7:00 p.m. (CT) before each day of the hearing that the party anticipates using the exhibits** to SOAH, the other parties, and court reporter in the manner described above.

C. POST-HEARING SUBMISSION OF RECORD COPIES:

- **Developing the Record Set.** 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.*, EPE 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.

- **Submission to the Court Reporter.** 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.

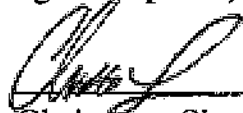
D. GENERAL REQUIREMENTS FOR EXHIBIT LISTS AND EXHIBITS

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. E.g., EPE Ex. 1.
- 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, please call the Chief Clerk’s Office at (512) 475-4993.

Signed April 7, 2025



Christiaan Siano,
Administrative Law Judge



Brent McCabe
Administrative Law Judge