



## **Filing Receipt**

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

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**APPLICATION OF SOUTHWESTERN ELECTRIC POWER**  
**COMPANY TO ADJUST ITS ENERGY EFFICIENCY COST**  
**RECOVERY FACTOR AND RELATED RELIEF**

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**SOAH ORDER NO. 1**  
**CASE DESCRIPTION; JURISDICTION; REQUIRING COMMENTS ON**  
**SUFFICIENCY OF APPLICATION AND NOTICE; ADOPTING**  
**PROTECTIVE ORDER; SETTING PREHEARING CONFERENCE;**  
**ADDRESSING GENERAL PROCEDURES**

**I. CASE DESCRIPTION**

On May 1, 2025, Southwestern Electric Power Company (SWEPCO) filed an application with the Public Utility Commission of Texas (Commission) to adjust its energy-efficiency cost recovery factor (EECRF) for program year 2026 to recover \$8,617,775, which reflects the following:

- recovery of \$4,842,484 in projected energy efficiency program costs for SWEPCO's 2025 programs;

- an adjustment of \$94,852 plus \$9,891 in interest for the under-recovery of 2024 program costs;
- evaluation, measurement, and verification costs of \$38,976;
- recovery of \$3,605,072 representing SWEPCO's performance bonus for achieving demand and energy savings that exceeded the goal to be achieved in 2024; and
- recovery of \$26,480 representing SWEPCO's 2024 proceeding expenses incurred in its most recent EECRF proceeding, Docket No. 56552.<sup>1</sup>

## II. JURISDICTION

On May 2, 2025, the Commission issued an Order of Referral and Preliminary Order referring this case to the State Office of Administrative Hearings (SOAH) and requesting the assignment of an Administrative Law Judge (ALJ) to conduct a hearing and issue a proposal for decision (PFD), if necessary. The order also sets forth the issues to be addressed.

The Commission has jurisdiction and authority over this case under Public Utility Regulatory Act (PURA)<sup>2</sup> § 39.905 and 16 Texas Administrative Code § (Rule) 25.182. SOAH has jurisdiction over matters relating to the conduct of the hearing in this proceeding under PURA § 14.053 and Texas Government Code § 2003.049.

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<sup>1</sup> See *Application of Southwestern Electric Power Company to Adjust Energy Efficiency Cost Recovery Factor (EECRF) and Related Relief*, Docket No. 56552, Order (Nov. 14, 2024).

<sup>2</sup> Tex. Util. Code §§ 11.001-66.016.

### III. SUFFICIENCY OF APPLICATION AND NOTICE

No later than May 16, 2025, Commission Staff shall, and any other party may, file comments on the sufficiency of SWEPCO's application and notice. SWEPCO shall respond to any objections regarding the sufficiency of its application or notice **within five working days** of the objection.

### IV. PROTECTIVE ORDER

SWEPCO requests approval of the Commission's standard protective order included as Attachment B to SWEPCO's application. The proposed protective order is **ADOPTED** and shall govern this proceeding, unless otherwise ordered. Any objections to the form of protective order must be filed no later than **five working days** after the date of this Order.

### V. PREHEARING CONFERENCE

A prehearing conference will be held at **2:00 PM (CT) on May 19, 2025**, remotely via Zoom videoconference. Unless a party retains a court reporter, the audio portion of the prehearing conference will be recorded, and it will be the official record of the proceeding. Attend the prehearing conference in one of these ways:

<u>Join by computer or smart device:</u> Go to <a href="https://soah-texas.zoomgov.com">https://soah-texas.zoomgov.com</a> and enter the following: Meeting ID: 160 106 2598 Passcode: PUC476	<u>Join by telephone (audio only):</u> Call +1 669 254 5252 and enter the following: Meeting ID: 160 106 2598 Passcode: 256916
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The purpose of the prehearing conference is to address the following matters:

1. Pending motions filed **by May 16, 2025**;
2. A procedural schedule; and
3. Any other matters that may assist in the disposition of this case in a fair and efficient manner.

If a party experiences technical difficulties with joining the prehearing conference, they should contact SOAH's Docketing Division at (512) 475-4993.

Prior to the prehearing conference, the parties **SHALL** confer and seek to agree on a procedural schedule that fully complies with this Order. Under Rule 25.182(d)(8), the Commission must issue a final order in this proceeding no later than January 1, 2026. Any proposed procedural schedule must address the deadline for the Commission's final order and allow 60 days for preparation of the PFD after the record closes.<sup>3</sup> Accordingly, the schedule must include deadlines for post-hearing briefs and proposed findings of fact, conclusions of law, and ordering paragraphs, if any. The procedural schedule must also include a deadline, no later than three business days before the hearing, for the parties to prefile their exhibits, exhibit lists, witness lists, and order of presentation.

If, **no later than May 16, 2025**, the parties file an agreed procedural schedule that fully complies with this Order, they may include an agreed motion to cancel the

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<sup>3</sup> The record close date is the last date a post-hearing brief or proposed findings of fact, conclusions of law, and ordering paragraphs are filed.

prehearing conference, which the ALJ will rule on after reviewing the proposed procedural schedule.

## **VI. PROCEDURES**

Except as modified by the Commission or SOAH, the Commission's procedural rules will govern the conduct of this case, and the parties are expected to comply with those rules. The Commission's procedural rules are available at: <https://www.puc.texas.gov/agency/rulesnlaws/procrules/Procedural.aspx>.

### **A. FILING DOCUMENTS**

The Commission is currently only accepting filings made online through the Commission's Interchange e-file system at <https://interchange.puc.texas.gov/filer>.<sup>4</sup> To make an online filing, the Commission's e-filing system requires you to enter the Commission's "control number" (i.e., docket number), which is 58014 for this case. **All filings must contain both the applicable SOAH and PUC docket numbers. Filings should not be made at SOAH.**

### **B. SERVICE OF FILED DOCUMENTS ON ALL PARTIES**

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.<sup>5</sup> Any party to this proceeding who has

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<sup>4</sup> See *Issues Related to the State of Disaster for the Coronavirus Disease 2019*, Docket No. 50664, Second Order Suspending Rules (July 16, 2020), available at: [http://interchange.puc.texas.gov/Documents/50664\\_205\\_1075813.PDF](http://interchange.puc.texas.gov/Documents/50664_205_1075813.PDF).

<sup>5</sup> See 16 Tex. Admin. Code § 22.74(c).

not previously provided an e-mail address **SHALL, no later than seven days after the date of this Order**, file a notice informing the parties of the e-mail address to be used for service.

SOAH's orders must also be provided to, or served on, the parties. Parties will be served with SOAH's orders electronically at the e-mail address they provide. Corrections to the service list should be directed to the ALJ's legal secretary, Tujuana Tate, at [tujuana.tate@soah.texas.gov](mailto:tujuana.tate@soah.texas.gov).

### **C. RESPONSES TO MOTIONS AND OTHER PLEADINGS**

Unless otherwise specified, responses to any motion or other pleading shall be filed **within five working days** from receipt of the pleading to which the response is made. Such responsive pleadings shall state the date of receipt of the pleading to which a response is made. Failure to file a timely response will be considered acquiescence to the relief requested.

### **D. DISCOVERY**

Discovery may begin immediately pursuant to Subchapter H of the Commission's procedural rules.

**Signed May 8, 2025**



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Cassandra Quinn

Administrative Law Judge