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**BEFORE THE
STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

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

SOAH ORDER NO. 3

**GRANTING MOTION TO INTERVENE; FINDING APPLICATION AND
NOTICE SUFFICIENT; ADOPTING PROCEDURAL SCHEDULE; SETTING
HEARING ON THE MERITS; AND ADDRESSING HEARING PROCEDURES**

I. MOTION TO INTERVENE

On May 9, 2025, Texas Industrial Energy Consumers (TIEC) filed a motion to intervene in this case. TIEC presented a justiciable interest that may be adversely affected by the outcome of this proceeding. No objections were filed. Accordingly, the motion is **GRANTED**.

II. SUFFICIENCY OF APPLICATION AND NOTICE

On May 16, 2025, the staff (Staff) of the Public Utility Commission of Texas (Commission) filed its recommendation on the sufficiency of Southwestern Electric Power Company's (SWEPCO) application and notice. Staff recommends that the application and notice be found sufficient. No other party filed comments or objections by the deadline. Accordingly, the Administrative Law Judge (ALJ) find the application and notice sufficient.

III. PROCEDURAL SCHEDULE

On May 16, 2025, SWEPCO filed an agreed proposed procedural schedule on behalf of the parties. The following schedule proposed by the parties is **ADOPTED** and will govern this proceeding unless otherwise ordered:

| Event | Deadline |
|---|-----------------|
| Intervention Deadline | June 12, 2025 |
| Deadline to Request Hearing | June 12, 2025 |
| IF NO HEARING REQUESTED | |
| Parties' Proposed Order | June 30, 2025 |
| IF HEARING REQUESTED | |
| Objections to SWEPCO Direct | June 19, 2025 |
| End of Discovery on SWEPCO's Direct Testimony | June 27, 2025 |

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| Settlement Conference | July 3, 2025 |
| Intervenor Direct Testimony | July 18, 2025 |
| Staff Direct Testimony | July 25, 2025 |
| End of Discovery on Intervenor and Staff Direct | August 4, 2025 |
| SWEPCO Rebuttal and Staff and Intervenor Cross-Rebuttal | August 8, 2025 |
| End of Discovery on SWEPCO Rebuttal and Staff and Intervenor Cross-Rebuttal | August 11, 2025 |
| Objections to SWEPCO Rebuttal Testimony and Intervenor and Staff Direct Testimony | August 15, 2025 |
| Deadlines relating to prefiling lists of persons who have signed the Protective Order, witnesses, and exhibits (see requirements below) | August 22, 2025 |
| Hearing on the Merits | September 5, 2025 |
| Initial Briefs | September 16, 2025 |
| Reply Briefs and Proposed Findings of Fact, Conclusions of Law, and Ordering Paragraphs ¹ | September 23, 2025 |

The parties also agreed to the following procedures, which are **ADOPTED** and will apply to this proceeding:

1. Workpapers for all testimony are due one working day after the testimony is filed.

¹ SWEPCO shall, and any other party may, file proposed findings of fact, conclusions of law, and ordering paragraphs.

2. For written discovery on Intervenor and Staff direct testimony and SWEPCO rebuttal/Staff and Intervenor cross-rebuttal testimony: (1) responses shall be filed within five working days of receipt of the discovery (or, for SWEPCO rebuttal/Staff and Intervenor cross-rebuttal, no later than 3:00 p.m. on the day before the witness is scheduled to take the stand, whichever is earlier); (2) objections shall be filed within five working days of receipt of the discovery; (3) motions to compel shall be filed within three working days of receipt of the objections; and (4) responses to motions to compel shall be filed within three working days of receipt of the motion to compel.
3. Drafts of testimony and statements of position will not be discoverable nor will emails transmitting drafts of testimony and statements of position be discoverable.
4. Replies to all written objections and motions to strike any parties' pre-filed testimony are due in writing within five working days after receipt of the written objections or motions to strike.
5. E-mail is an acceptable form of service for filings.
6. Requests for information that are received after 12:00 p.m. on Friday shall be deemed to have been received the following business day.
7. Parties will provide their written discovery requests (RFI questions, requests for production of documents, and requests for admission—but not the pleading, instructions, etc.) in Word format.

IV. HEARING ON THE MERITS

The hearing on the merits will convene at **9:00 a.m. on September 5, 2025**, via Zoom videoconference and is expected to last one day. The parties shall attend in one of these ways:

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| <u>Join by computer or smart device:</u> Go to https://soah-texas.zoomgov.com 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 |
|---|--|

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

V. PRE- AND POST-HEARING PROCEDURES

A. COURT REPORTER REQUIREMENTS

As soon as practicable, SWEPCO 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.²
 - If the parties do not use a file-sharing site, SWEPCO will confirm how the court-reporting service prefers to receive the parties'

² The parties may agree upon an alternative delivery method for providing each other with exhibits and the required information below.

electronic pre-hearing exhibits and exhibit lists and shall notify the other parties of that preferred process.

B. PRE-HEARING SUBMISSIONS

By August 22, 2025, the parties **SHALL** comply with the following requirements:

- SWEPCO 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.³ 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>

³ 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 with each other by uploading to an applicable file-sharing site hosted by SWEPCO 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 May 19, 2025



Cassandra Quinn

Administrative Law Judge