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**BEFORE THE
STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

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**APPLICATION OF SOUTHWESTERN PUBLIC SERVICE
COMPANY TO ADJUST ITS ENERGY EFFICIENCY COST
RECOVERY FACTOR**

SOAH ORDER NO. 2

**ADOPTING PROCEDURAL SCHEDULE; FINDING NOTICE AND
APPLICATION SUFFICIENT; ADMITTING INTERVENOR; SETTING
HEARING ON THE MERITS; PROCEDURES**

I. ADOPTING PROCEDURAL SCHEDULE

On May 29, 2025, Southwestern Public Service Company (SPS) filed an agreed procedural schedule on behalf of itself and the parties in this case. The Administrative Law Judge (ALJ) ADOPTS the following procedural schedule:

Event	Deadline
SPS Proof of Notice filing	May 9, 2025
Staff Recommendation on Sufficiency of Application and Notice	May 29, 2025
Intervention Deadline	June 16, 2025
Deadline to Request Hearing	June 16, 2025
IF NO HEARING REQUESTED	
Parties' Proposed Order	July 18, 2025
IF HEARING REQUESTED	
Objections to SPS Direct	June 16, 2025
End of Discovery on SPS Direct Testimony	June 27, 2025
Settlement Conference	July 15, 2025
Deadline for Intervenor Direct	July 25, 2025
Deadline for Staff Direct Testimony	August 1, 2025
End of Discovery on Intervenor and Staff Direct	August 8, 2025
Deadline for SPS Rebuttal and Staff and Intervenor Cross Rebuttal	August 8, 2025
Event	Deadline
End of Discovery on SPS Rebuttal and Staff and Intervenor Cross Rebuttal	August 14, 2025
Objections to SPS Rebuttal Testimony and Intervenor and Staff Direct Testimony	August 18, 2025
Deadlines relating to pre-filing lists of persons who have signed the Protective Order, witnesses, and exhibits	August 21, 2025
Hearing on the Merits	August 26, 2025
Initial Briefs	September 2, 2025
Reply Briefs and Proposed Findings of Fact and Conclusions of Law	September 9, 2025

Additionally, the parties agreed to the following:

- Workpapers for all testimony are due 1 working day after the testimony is filed.
- For written discovery on Intervenor and Staff direct testimony and SPS rebuttal/Staff and Intervenor cross rebuttal testimony: (1) responses shall be filed within 5 working days of receipt of the discovery (or, for SPS 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 5 working days of receipt of the discovery; (3) motions to compel shall be filed within 3 working days of receipt of the objections; and (4) responses to motions to compel shall be filed within 3 working days of receipt of the motion to compel.
- Drafts of testimony and statements of position will not be discoverable nor will emails transmitting drafts of testimony and statements of position be discoverable.
- Replies to all written objections and motions to strike any parties' pre-filed testimony are due in writing within 5 working days after receipt of the written objections or motions to strike.
- E-mail is an acceptable form of service for filings.
- Requests for information that are received after 12:00 noon on Friday shall be deemed to have been received the following business day.
- 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.

II. FINDING APPLICATION AND NOTICE SUFFICIENT

On May 29, 2025, the Public Utility Commission of Texas staff (Staff) filed a recommendation that SPS's notice and application be found sufficient. No party objected. The ALJ finds SPS's notice and application sufficient.

III. ADMITTING INTERVENOR

Texas Industrial Energy Consumers (TIEC) filed a motion to intervene. No party objected. TIEC's motion is GRANTED.

IV. SETTING HEARING ON THE MERITS

The ALJs will convene a hearing on the merits each day from **August 26, 2025, at 9:00 a.m. (CT)**. Participate in the following ways:

<u>Join by computer or smart device:</u> Go to https://soah-texas.zoomgov.com and enter the following: Meeting ID: 161 691 2326 Passcode: PUC58NU7	<u>Join by telephone (audio only):</u> Call +1 669 254 5252 and enter the following: Meeting ID: 161 691 2326 Passcode: 06674216
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V. ADDRESSING EVIDENCE SUBMISSION PROCEDURES

A. PRE- AND POST-HEARING PROCEDURES

1. Court Reporter Requirements

As soon as practicable, SPS 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.¹
- ☞ If the parties do not use a file-sharing site, SPS 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.

2. Pre-Hearing Submissions

Three business days before the hearing, the parties SHALL comply with the following requirements:

¹ The parties may agree upon an alternative delivery method for providing each other with exhibits and the required information below.

- SPS 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.

a) 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.² 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 two-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 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.

b) 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 SPS or any other means agreed to by the parties and the court-reporting service.

3. 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.

B. 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 June 27, 2025

ALJ Signature(s):

A handwritten signature in black ink, appearing to read "Daniel Wiseman", is written over a horizontal line.

Daniel Wiseman,

Presiding Administrative Law Judge