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**BEFORE THE
STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

**APPLICATION OF AEP TEXAS INC. TO AMEND ITS
CERTIFICATE OF CONVENIENCE AND NECESSITY FOR
THE ARANSAS PASS-TO-GREGORY 138-KV TRANSMISSION
LINE IN SAN PATRICIO COUNTY**

SOAH ORDER NO. 2

**CANCELING PREHEARING CONFERENCE AND ADOPTING
PROCEDURAL SCHEDULE; ADVISORY TO INTERVENORS;
SCHEDULING HEARING ON THE MERITS; AND REQUIRING PRE- AND
POST-HEARING EXHIBIT PROCEDURES**

**I. CANCELING PREHEARING CONFERENCE AND ADOPTING
PROCEDURAL SCHEDULE**

On July 16, 2025, AEP Texas, Inc. (AEP Texas) and staff (Staff) of the Public Utility Commission of Texas (Commission), the only two parties to the case at this time, proposed an agreed procedural schedule and requested that the prehearing conference scheduled for July 21, 2025, be canceled. The undersigned

Administrative Law Judge (ALJ) finds the requests have merit and they are **GRANTED**. Therefore, the prehearing conference is **CANCELED**, and the agreed procedural schedule listed below, with a minor modification, is **ADOPTED** and shall govern this proceeding unless otherwise ordered:

Event	Date/Deadline
CCN Application Filing Date	Jul. 2, 2025
Direct Testimony Filing Date	Jul. 2, 2025
AEP Texas to file proof of notice	Jul. 18, 2025
Commission Staff shall, and any other party may, file their comments on the sufficiency of the application and notice for purposes of further review	Jul. 23, 2025
Prehearing Conference	Jul. 21, 2025
Deadline for Applicant to file any reply to comments on sufficiency of application and notice	Jul. 30, 2025
Intervention Deadline	Aug. 1, 2025
Statement or Testimony Challenging Route Adequacy (if any)	Aug. 1, 2025
Request for Hearing on Route Adequacy (if any)	Aug. 1, 2025
Response to Route Adequacy Challenge (if any)	Aug. 11, 2025
Application deemed sufficient for processing absent an order finding application deficient	Aug. 6, 2025
Intervenor Direct Testimony or Statement of Position	Aug. 22, 2025
Objections to Applicant Direct Testimony	Aug. 22, 2025
Applicant to file list of Intervenor who did not file testimony or a statement of position	Aug. 27, 2025
Hearing on Route Adequacy (if necessary)	Aug. 27, 2025

Objections to Intervenor Direct Testimony	Aug. 29, 2025
Replies to Objections to Applicant Direct Testimony	Aug. 29, 2025
Target date for ALJ's Ruling on Route Adequacy (if necessary)	Aug. 29, 2025
Staff Direct Testimony or Recommendation and Intervenor Cross-Rebuttal Testimony	Aug. 29, 2025
Discovery Deadline to serve discovery on Applicant Direct Case	Sep. 1, 2025
<u>If the Application is uncontested:</u> Deadline for the parties to file a joint motion for remand, joint motion to admit evidence and joint proposed notice of approval including proposed findings of fact, conclusions of law, and ordering paragraphs Administrative review completed 80 days from the date of the filing of the application	Sep. 5, 2025 Sep. 20, 2025
Settlement Conference	Sep. 1, 2025
Objections to Staff Direct Testimony and Intervenor Cross-Rebuttal Testimony	Sep. 2, 2025
Replies to Objections to Intervenor Direct Testimony	Sep. 5, 2025
Applicant Rebuttal Testimony	Sep 5, 2025
Objections to Applicant Rebuttal Testimony	Sep. 5, 2025
Pre-Hearing Submissions, as instructed below (e.g., Exhibit List, Witness Cross-Examination list, etc. to be uploaded to Kiteworks and filed on PUC's interchange;	Sep. 5, 2025 ¹

¹ The ALJ modified this deadline to provide sufficient time for SOAH's docketing division to receive and organize the parties' pre-hearing exhibit submissions before the hearing on the merits.

Exhibits and Exhibit List to be uploaded to Electronic Repository.)	
Replies to Objections to Staff Direct Testimony and to Intervenor Cross-Rebuttal Testimony	Sep. 8, 2025
Discovery Deadlines to serve discovery on Staff Direct Testimony and Intervenor Direct and Intervenor Cross-Rebuttal	Sep. 8, 2025
Discovery Deadline to serve discovery on Applicant Rebuttal Case	Sep. 9, 2025
Replies to Objections to Applicant's Rebuttal Testimony	Live at hearing
Hearing on the Merits via Zoom Videoconference	Sep. 10-11, 2025
Initial Briefs	Sep. 19, 2025
Reply Briefs and Proposed Findings of Fact and Conclusions of Law	Sep. 26, 2025
Target Date for PFD	Nov. 25, 2025
180-Day Deadline per PURA § 37 057	Dec. 29, 2025

Furthermore, AEP Texas and Staff agreed to the following special provisions which are **ADOPTED** and shall govern this proceeding unless otherwise ordered:

A. WITNESS AVAILABILITY

Witnesses shall make all reasonable attempts to be available during the hearing on the merits. However, if a witness is unable to attend the hearing, the witness shall make themselves available for a deposition prior to the hearing date.

If a witness is unavailable for a portion of the hearing date, the witness will be taken out of order, if necessary. Any witness that joins the hearing via a dial-in only option (i.e., without video capability) must make arrangements to have access to exhibits that may be presented during the testimony and cross-examination of the witness.

B. EXHIBITS AND EXHIBIT REPOSITORY

AEP Texas agrees to provide an electronic document repository for the Parties' prehearing submissions. No later than seven (7) days before the hearing on the merits, Applicants will provide instructions to parties on how documents may be uploaded to the document repository.

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 upload hearing exhibits and serve every party with their exhibits.

AEP Texas will offer its entire CCN Application, including attachments, into evidence as a hearing exhibit so that intervenors can rely upon that exhibit and not have to file duplicate exhibits.

C. PROPOSED DISCOVERY PLAN

For discovery on AEP Texas direct testimony, the following deadlines will apply:

- responses are due within ten calendar days of the discovery request;
- objections are due within five working days of the discovery request;

- motions to compel are due within three working days of objections; and
- responses to motions to compel are due within three working days of the motion to compel.

For discovery on Intervenors' and Staff's direct testimony and Intervenors' cross-rebuttal, the following deadlines will apply

- responses are due within ten calendar days of the discovery request;
- objections are due within five working days of the discovery request;
- motions to compel are due within three working days of objections; and
- responses to motions to compel are due within three working days of the motion to compel.

For discovery on AEP Texas' rebuttal testimony, the following deadlines will apply:

- responses are due within three working days of the discovery request;
- objections are due within three working days of the discovery request;
- motions to compel are due within three working days of objections or may be addressed live at the hearing; and
- responses to motions to compel are due within three working days of the motion to compel or may be addressed live at the hearing.

Additionally, drafts of testimony and statements of position will not be discoverable nor will emails transmitting drafts of testimony and statements of position be discoverable.

D. SERVICE OF DOCUMENTS

Service will be by the PUC Interchange System. However, if a filing requires an action of another party, service on that party is required. Email service is a valid method of service on a party from which action is required.

Requests for Information received after 3:00 p.m. are deemed to have been received the following business day.

E. -WITNESS LISTS

On September 5, 2025,² each party shall file a witness list identifying all witnesses the party expects to call to testify during the hearing, and identifying the intervenor witnesses, if any, for whom it intends to cross-examine. AEP Texas and Staff witnesses need not be listed in order to be cross-examined.

II. ADVISORY TO INTERVENORS

Pursuant to 16 Texas Administrative Code § (Rule) 22.124(a) and the procedural schedule adopted above, parties are required to file either written testimony or a statement of position in this proceeding by August 22, 2025. **Any intervenor that does not timely file either testimony or a statement of position by that deadline will be dismissed from this proceeding, in accordance with Rules 22.124 and 22.161. If dismissed, the intervenor will be removed from the service list and prohibited from participating in the hearing on the merits and**

² The ALJ modified this date to coincide with the date the parties must upload their pre-hearing exhibits to Kiteworks.

the post-hearing briefing. Per SOAH Order No. 1 and the adopted schedule, AEP Texas must file (before Staff's deadline for direct testimony) a list of all intervenors who did not timely file testimony or a statement of position. **Within five calendar days of AEP Texas' filing, an intervenor who is identified in AEP Texas' list of parties who did not file testimony or a position statement may file a motion requesting to remain a party and showing good cause as to why they failed to timely file testimony or a position statement. Failure to request to remain a party will result in that intervenor being dismissed as a party.**

A request to intervene is not a statement of position. A statement of position clarifies a party's position but is not sworn-to, is not evidence, and is not subject to cross-examination. Rule 22.124 sets forth what information is required in a statement of position. Prefiled direct testimony, on the other hand, is sworn-to, is evidence, and is subject to cross-examination.

Intervenors are encouraged to review the guidance document attached to SOAH Order No. 1 titled "Information for Unrepresented Parties" that provides an overview of the contested case process.

III. SCHEDULING HEARING ON THE MERITS

A hearing will be held at 9:00 a.m. (CT) on **September 10, 2025**, remotely via Zoom videoconference. The hearing is currently expected to last two days. 1 Tex. Admin. Code § 155.405(c). AEP Texas shall retain a court reporter to transcribe the

prehearing conference and that transcription will be the official record of the proceeding. Attend the hearing in one of these ways:

To join by computer or smart device, go to
<https://soah-texas.zoomgov.com> and enter:

Meeting ID: 161 454 3754

Video Passcode: PUC942

To join by telephone (audio only), call
+1 669 254 5252, and enter:

Meeting ID: 161 454 3754

Telephone Passcode: 758407

IV. PRE- AND POST-HEARING PROCEDURES

A. COURT REPORTER REQUIREMENTS

No later than seven (7) days before the hearing, AEP Texas **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 that the parties will be exchanging exhibits amongst themselves via an electronic file-sharing site that the court-reporting service will also have access to.

B. PRE-HEARING SUBMISSIONS

By 5:00 p.m. (CT) on September 5, 2025, the parties **SHALL** comply with the following requirements:

- AEP Texas 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 applicable;
 - 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.

1. Pre-Hearing Submissions to SOAH via Kiteworks

SOAH has implemented a 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>

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 will exchange exhibits to each other by uploading to an applicable file-sharing site hosted by AEP Texas.

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.

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) the day before the party anticipates offering the exhibit(s) at the hearing** to SOAH, the other parties, and court reporter in the manner described above.

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

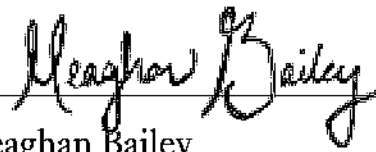
Parties **SHALL** comply with the following requirements for all pre- and post-hearing exhibit submissions:

- 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.

Signed July 21, 2025

ALJ Signature:



Meaghan Bailey

Presiding Administrative Law Judge