

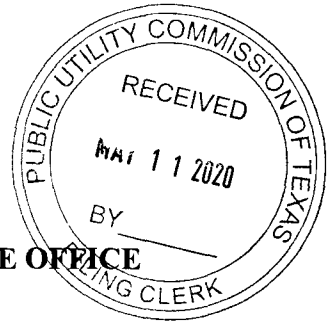
Control Number: 50277



Item Number: 63

Addendum StartPage: 0

SOAH DOCKET NO. 473-20-2278
PUC DOCKET NO. 50277



APPLICATION OF EL PASO § BEFORE THE STATE OFFICE
ELECTRIC COMPANY TO AMEND ITS §
CERTIFICATE OF CONVENIENCE §
AND NECESSITY FOR AN § OF
ADDITIONAL GENERATING UNIT AT §
THE NEWMAN GENERATING §
STATION IN EL PASO COUNTY AND §
THE CITY OF EL PASO § ADMINISTRATIVE HEARINGS

SOAH ORDER NO. 4
ADDRESSING HEARING PROCEDURES; SETTING PREHEARING CONFERENCE
AND FILING DEADLINES; STRIKING INTERVENORS

I. HEARING PROCEDURES AND PREHEARING CONFERENCE

In response to the emergency declarations relating to COVID-19, SOAH has temporarily discontinued all non-emergency, in-person hearings.¹ Accordingly, the Administrative Law Judges (ALJs) expect to convert the hearing currently set for June 9-10, 2020, to a hearing via the Zoom Videoconferencing Application (Zoom).

The ALJs will convene a **prehearing conference at 10:00 a.m. on May 21, 2020, via Zoom**. The following matters will be discussed:

1. Striking intervenors, as discussed below;
2. Pending motions **filed by NOON on May 19, 2020**, including any motion relating to conducting the hearing by Zoom;
3. Procedures for the hearing on the merits and related requirements such as submission and service on all parties **by no later than May 28, 2020**, of all exhibits each party expects to offer at the hearing, including on cross-examination; and

¹ The most recent letter from SOAH's Chief Administrative Law Judge regarding the updated precautionary measures for coronavirus is located on SOAH's website at <http://www.soah.texas.gov/>. Parties should review this information and check SOAH's website for updates frequently. Additionally, the parties should review the Public Utility Commission of Texas's (Commission's) orders regarding coronavirus-related suspension of specific rules. Documents related to that suspension are on the Commission's Interchange database under Control No. 50664.

4. Any other matter that may assist in the disposition of this case in a fair and efficient manner.

To participate in the prehearing conference via videoconference, you will need: (1) a computer with a functional webcam and microphone (preferred method); or (2) any mobile or smart device, such as a cellphone, iPad, iPhone, or Android phone; and (3) to have the latest version of Zoom installed (free installation). More information on how to join a Zoom meeting is available here: <https://support.zoom.us/hc/en-us/articles/201362193-Joining-a-Meeting>.

Use one of the following methods to access the prehearing conference:

Join Zoom Meeting Via Computer:

- Use the Zoom meeting link:
<https://zoom.us/j/91211311202?pwd=USs5V2RDTTNjK0RTNFAtTNEZGs2QT09>
- To participate, you should follow the link above or copy the link and paste it into your browser, then hit enter. If you have not downloaded the Zoom application, you will be prompted to do so and then to open the Zoom launcher.
- Alternatively, you can go to www.zoom.us/join and enter the following Meeting ID and Password:

Meeting ID: 912 1131 1202

Password: 6sp=R^

Join Zoom Meeting Via Smart Device:

- Download the Zoom application.
- Open the Zoom application and enter the following Meeting ID and Password:

Meeting ID: 912 1131 1202

Password: 6sp=R^

Join Zoom Meeting Via One Tap Mobile:

+13462487799,,91211311202#,,1#,207422# US (Houston)
+17209289299,,91211311202#,,1#,207422# US (Denver)

Join Zoom Meeting Via Telephone:

- If you do not have access to a device that would allow videoconferencing capabilities, you may call any number below (regardless of your location) and enter the Meeting ID and Password listed below to join by telephone. **Note that the password to join by telephone is different than the password to join via a computer or smart device.**

+1 346 248 7799 US (Houston)

+1 720 928 9299 US (Denver)
+1 971 247 1195 US (Portland)
+1 206 337 9723 US (Seattle)
+1 213 338 8477 US (Los Angeles)
+1 253 215 8782 US (Tacoma)
+1 602 753 0140 US (Phoenix)
+1 669 219 2599 US (San Jose)
+1 669 900 6833 US (San Jose)
+1 470 381 2552 US (Atlanta)
+1 646 518 9805 US (New York)
+1 646 876 9923 US (New York)
+1 651 372 8299 US (St. Paul)
+1 786 635 1003 US (Miami)
+1 267 831 0333 US (Philadelphia)
+1 301 715 8592 US (Germantown)
+1 312 626 6799 US (Chicago)
+1 470 250 9358 US (Atlanta)

Meeting ID: 912 1131 1202

Password: 207422

Find your local number: <https://zoom.us/j/acN9i2hxXA>

A party that intends to appear at the prehearing conference **SHALL** file a notice **no later than NOON on May 19, 2020**, stating the name of the party and, if applicable, the name of the participating party representative or counsel. Unless a party's circumstances preclude this, each participating party **SHALL** use only one phone line or video connection to participate in the prehearing conference.

If you wish to have an in-person hearing, you must file a motion no later than May 19, 2020, showing good cause as to why the use of remote technologies is not feasible or in the interest of justice.


II. STRIKING INTERVENORS

SOAH Order No. 3 set a May 5, 2020 deadline for intervenors to file direct testimony or a statement of position. As the order states: "Any intervenor who does not file prefiled testimony

or a statement of position by May 5, 2020, is subject to being stricken as a party under 16 TAC [Texas Administrative Code] § 22.161.” The following intervenors did not file a statement of position or testimony by the May 5, 2020 deadline: The Hoppy Monk, LLC; and Sandra Foster.

Accordingly, pursuant to 16 Texas Administrative Code §§ 22.124 and 22.161, IT IS ORDERED that those intervenors are **STRICKEN AS PARTIES** unless, **no later than May 19, 2020**, the intervenor files a notice of intent to participate at the prehearing conference as discussed above and a request to be heard at the prehearing conference as to why the intervenor should not be stricken as a party. If that filing is made, after hearing from the parties at the prehearing conference, the ALJs would rule on whether to strike the intervenor.

SIGNED May 11, 2020.



CHRISTIAAN SIANO
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS



ELIZABETH DREWS
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS