



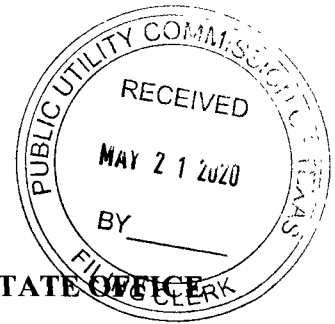
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**SOAH DOCKET NO. 473-20-3472  
PUC DOCKET NO. 50545**



<b>APPLICATION OF AEP TEXAS INC. TO AMEND ITS CERTIFICATE OF CONVENIENCE AND NECESSITY FOR THE BRACKETTVILLE-TO- ESCONDIDO 138-KV TRANSMISSION LINE IN KINNEY AND MAVERICK COUNTIES</b>	§ § § § § § §	<b>BEFORE THE STATE OFFICE  OF  ADMINISTRATIVE HEARINGS</b>
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**SOAH ORDER NO. 3  
MEMORIALIZING PREHEARING CONFERENCE;  
RULING ON PENDING MOTIONS; ADOPTING PROCEDURAL SCHEDULE;  
SETTING HEARING ON THE MERITS; AND ADDRESSING OTHER PROCEDURAL  
ISSUES**

**I. MEMORIALIZING PREHEARING CONFERENCE**

On May 14, 2020, Administrative Law Judges (ALJs) Daniel Wiseman and Ross Henderson held a telephonic initial prehearing conference in this matter. As reflected in the official transcript, the following already-admitted parties appeared: AEP Texas, Inc. (AEP), represented by attorney Jerry Huerta; EPM Ranch Interests and Davidson Ranch, represented by attorney Patrick L. Reznik; Briscoe Ranch, Inc. and El Pescado Minerals, Ltd., represented by attorney Bradford W. Bayliff; William Raba, and Elizabeth Bondurant, represented by attorney Tyler Topper; staff (Staff) of the Public Utility Commission of Texas (PUC or Commission), represented by attorney Rashmin J. Asher; OCI Alamo 4, LLC, represented by attorney Joseph Sullivan; International Lease, LLC, represented by attorney Catrina Longoria; Eagle Ranch Pass Partners, represented by attorney Michael J. Tomsu; and Alexander Vollmer appeared for AWV Trust.

As set out in State Office of Administrative Hearings (SOAH) Orders No. 1 and 2, and described in detail below, topics discussed at the prehearing conference included outstanding motions, the procedural schedule that is to govern this case, and any other matters that might assist in disposing of this case fairly and efficiently. Unrepresented parties are encouraged to consult

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SOAH Orders No. 1 and 2, including their attachments, for additional information regarding the hearing process.

## II. RULINGS ON PENDING MOTIONS

In addition to those parties listed above, which had been previously admitted by the Commission's ALJ, Picos Creek LLC, represented by Mr. Topper (who also represents parties William Raba and Elizabeth Bondurant) filed a motion to intervene out of time in this proceeding. No party objected to Picos Creek LLC's admission. The ALJs, having determined that the motion had merit, orally **GRANTED** Picos Creek LLC's late-filed motion to intervene and admitted it as a party.

The only remaining pending motion was Mr. Topper's and his law firm's motion to withdraw as attorneys for 2350 Senator Partners, LLC and Gillespie Partners, Ltd. These parties, which Mr. Topper stated were properly notified of the motion to withdraw, filed no objection. The ALJs determined that the motion had merit, **GRANTED** it orally, and Mr. Topper and his law firm were withdrawn as attorneys for 2350 Senator Partners, LLC and Gillespie Partners, Ltd. The service list will be updated to reflect the withdrawal of counsel for 2350 Senator Partners, LLC and Gillespie Partners, Ltd.

A motion to intervene—file-stamped May 20, 2020, but dated and signed March 12, 2020, prior to the intervention deadline—was submitted by Lester Meyer. The discrepancy between the dates is not explained, but there have been recent issues with the reliability of the Commission's online filing system. Therefore, the ALJs **GRANT** Mr. Meyer's motion to intervene. However, any party may timely file an objection to Mr. Meyer's admission as a party, and any such objection and response will be considered by the ALJs.

As a service to SOAH during the unprecedented and ongoing public health issues, AEP volunteered to update the service list accordingly and submit it to SOAH for verification.<sup>1</sup> A copy of the service list may be obtained by contacting SOAH legal assistant Erin Hurley via email at [erin.hurley@soah.texas.gov](mailto:erin.hurley@soah.texas.gov).

### III. ADOPTING PROCEDURAL SCHEDULE

The parties agreed to a proposed procedural schedule at the prehearing conference. The following procedural schedule is **ADOPTED** and governs this case:

<b>DEADLINE</b>	<b>EVENT</b>
4/13/2020	Intervention Deadline
5/14/2020	Testimony or Position Statement Challenging Route Adequacy (if any)
5/14/2020	Request for Hearing on Route Adequacy (if any) <sup>2</sup>
6/22/2020	Applicant's Direct Testimony
6/29/2020	Objections to Applicant's Direct Testimony
7/6/2020	Replies to Objections to Applicant's Direct Testimony
8/3/2020	Discovery Deadline on Applicant's Direct Case
8/3/2020	Intervenor Direct Testimony or Statements of Position <sup>3</sup>
8/10/2020	Objections to Intervenor Direct Testimony
8/17/2020	Replies to Objections to Intervenor Direct Testimony
9/14/2020	Staff Direct Testimony & Intervenor Cross Rebuttal
9/21/2020	Objections to Staff Direct Testimony & Intervenor Cross Rebuttal

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<sup>1</sup> AEP filed an updated service list on May 18, 2020. A hasty review reveals that AEP inadvertently left itself off of that list.

<sup>2</sup> No party raised a challenge to route adequacy, rendering these deadlines moot, and there shall be no separate hearing on that issue.

<sup>3</sup> As explained in SOAH Order Nos. 1 and 2, an intervenor's failure to file this testimony or statement of position will result in that party's dismissal from the case.

9/28/2020	Replies to Objections to Staff Direct Testimony & Intervenor Cross Rebuttal
10/5/2020	Discovery Deadline on Staff Direct and Intervenor Testimony
10/19/2020	Applicant Rebuttal
10/26/2020	Objections to Applicant Rebuttal Testimony
11/2/2020	Replies to Objections to Applicants Rebuttal
11/2/2020	Discovery Deadline on Applicant Rebuttal Case (Seven-Day Response Time)
11/2/2020	Deadline for all Parties to Identify Witnesses for Cross Examination at the Hearing
11/9/2020	<b>Hearing on the Merits</b>
4/1/2021	<b>Deadline for final order (extended as agreed by AEP)<sup>4</sup></b>

### III. SETTING THE HEARING ON THE MERITS

The hearing on the merits will convene at **9:00 a.m. on November 9, 2020**, at SOAH's hearing facility located at the William P. Clements Office Building, 300 West 15th Street, Fourth Floor, Austin, Texas. The parties indicated the hearing will take no more than two days. In the event that live hearings are still not advisable at that time, the hearing will be conducted remotely in a manner to be determined in due course.

### IV. OTHER PROCEDURAL ISSUES

At the prehearing conference, the parties expressed interest in potentially referring this matter to SOAH mediation for an evaluation of whether mediation may be beneficial in this case. However, it was suggested that it may be prudent to wait until the disputed issues are further clarified and the number of parties possibly winnowed down or aligned before potentially seeking

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<sup>4</sup> As discussed at the prehearing conference, the ALJs require at least 60 days to prepare a proposal for decision. The parties are encouraged to review this schedule to ensure they have allowed sufficient time for briefing and exceptions, so that the Commission may timely issue a final order. The ALJs note that AEP has agreed to extend the Commission's deadline to issue its final order until April 1, 2021. However, due to the holiday season immediately following the hearing on the merits, the parties are urged to consider whether this time is sufficient.

a referral to SOAH mediation. The ALJs urge the parties to continue considering this option if they believe it may lead to a viable resolution of the disputed issues in this case.

**SIGNED May 21, 2020.**



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DANIEL WISEMAN  
ADMINISTRATIVE LAW JUDGE  
STATE OFFICE OF ADMINISTRATIVE HEARINGS



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ROSS HENDERSON  
ADMINISTRATIVE LAW JUDGE  
STATE OFFICE OF ADMINISTRATIVE HEARINGS