

INFORMATION FOR UNREPRESENTED PARTIES

Overview of Contested Case Process

- ☞ This contested case hearing will proceed like a trial – with witnesses testifying under oath, subject to cross-examination.
- ☞ The administrative law judge (ALJ) presides over the hearing process. The ALJ works for the State Office of Administrative Hearings (SOAH). SOAH is a state agency that provides impartial judges to preside over contested case hearings. SOAH is separate from all other state agencies, including the Public Utility Commission of Texas (PUC or Commission).
- ☞ At the end of the hearing process, the ALJ will make a written recommendation about the transmission line route. This is called a Proposal for Decision (PFD).
- ☞ The final decision maker will be the five-member Commission.
- ☞ The staff of the PUC (Staff) participates in the hearing as a party. Staff is distinct from the five-member Commission that will ultimately decide this case.

Prehearing Conference

- ☞ At the prehearing conference, the judge will rule on motions to intervene and set the schedule for prehearing activities and the hearing itself.
- ☞ Following the prehearing conference, parties can remain to ask questions of Staff or the Applicant, exchange information, and engage in settlement talks.

The Prehearing Phase

- ☞ Two primary things happen before hearing: (1) discovery, and (2) filing of direct testimony and/or position statements. Deadlines for these activities will be established either at the prehearing conference or shortly thereafter by an order from the ALJ.
- ☞ Discovery is the formalized exchange of information among parties.
- ☞ Unlike some trials in district court, every witness's direct testimony in this case will be in written form and filed prior to the hearing. At the hearing, each witness will take the stand and be sworn in, and the witness's direct testimony will be admitted if it complies with the rules of evidence. The witness will then be subject to cross-examination by the parties. (Sometimes, parties will waive cross-examination of a witness.)

- ☞ Every party in this case must file either testimony or a statement of position according to the schedule that will be established. Parties failing to do so will be dismissed and not allowed to participate further.
- ☞ Testimony is evidence and includes assertions of fact (for example, about the location of property, the history and use of property, etc.). A position statement is argument, not evidence. There will be no cross-examination at the hearing of a party who has only filed a position statement. Assertions of fact in a position statement cannot be considered by the ALJ unless they are in some other document or testimony admitted in evidence. A party filing a position statement may ask questions of testifying witnesses.

The Hearing

- ☞ The hearing will be convened in Austin or through a videoconference application, such as Zoom.
- ☞ All witnesses who prefiled testimony must appear at the hearing unless all parties waive cross-examination.
- ☞ Prefiled testimony will be admitted (subject to objections based on the rules of evidence), and witnesses will be cross-examined. Testimony not admitted because the witness failed to appear will be treated as a statement of position.

The Post-Hearing Phase

- ☞ After the hearing, parties will file written closing arguments (briefs) according to the deadlines that will be established in the schedule.
- ☞ The ALJ will issue the PFD recommending an outcome, including a route for the transmission line if the application is granted.
- ☞ The ALJ's analysis will be based on the facts (established through evidence introduced in the hearing) and the applicable law (involving a consideration of factors such as community values, number of habitable structures, recreational and park areas, historical and aesthetic values, environmental integrity, and use of compatible rights of way).
- ☞ The Applicant's preferred route carries no special weight in the analysis. Any route consisting of identified links may be recommended and approved.
- ☞ Parties who disagree with the ALJ's proposal will be able to file written objections (referred to as "exceptions") to the PFD.

- ☞ The Commission will make a decision at a meeting open to the public. The Commission can adopt or reject the ALJ's proposal. If the Commission rejects the ALJ's proposal, it will likely choose another route if the application is approved.
- ☞ The deadline for Commission action in this case is **June 9, 2026**.

Filing and Serving Documents in the Case

- ☞ Whenever any party formally files any document in this case (such as a motion, request for discovery, response to discovery, testimony, or statement of position), it must file the document with the PUC.
- ☞ Filings at the Commission shall occur **by 5:00 p.m.** on the date in question unless otherwise specified.
- ☞ The procedures regarding filing are specified in Subchapter E of the Commission's procedural rules and SOAH Order No. 1 and apply in this proceeding. Parties are expected to know those procedures and comply with them fully. All pleadings must contain both the SOAH and PUC docket numbers to allow for efficient processing. (See the top of the first page of SOAH Order No. 1.)
- ☞ At the same time a party files a motion, testimony, or a statement of position with the PUC, **the party must also serve all other parties in the case by sending them a copy of the document.**
- ☞ Discovery requests and responses must be filed with the PUC, but only have to be served on the party to whom the request or response is directed.
- ☞ The PUC has an online document interchange that is a convenient way of keeping track of documents filed in a case. All PUC filings are available for viewing and downloading from the Commission's website at <http://interchange.puc.texas.gov>. Once there, type in the control number/docket number and press "enter." A list of documents filed in this case will appear and you may access those documents by clicking on the document number, provided that the document number is underlined and in blue font.