

**BEFORE THE CORPORATION COMMISSION OF THE STATE OF OKLAHOMA**

IN THE MATTER OF THE APPLICATION OF )  
OKLAHOMA GAS AND ELECTRIC COMPANY )  
FOR AN ORDER OF THE COMMISSION ) CAUSE NO. PUD 202000021  
APPROVING A RECOVERY MECHANISM FOR )  
EXPENDITURES RELATED TO THE )  
OKLAHOMA GRID ENHANCEMENT PLAN ) ORDER NO. 713410

HEARING: June 25, 2020, and July 9, 2020, in Courtroom B (virtual teleconference)  
2101 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105  
*Before* Linda S. Foreman, Administrative Law Judge

APPEARANCES: William L. Humes, Dominic D. Williams, Curtis M. Long, Jack P. Fite, and  
Kimber L. Shoop, Attorneys *representing* Oklahoma Gas & Electric  
Company  
Jack G. Clark, Jr. and Ronald E. Stakem, Attorneys *representing* OG&E  
Shareholders Association  
Jared B. Haines and A. Chase Snodgrass, Assistant Attorneys General  
*representing* Office of Attorney General, State of Oklahoma  
Natasha M. Scott, Managing Deputy General Counsel, Michael L. Velez,  
Deputy General Counsel and Lauren D. Willingham, Assistant General  
Counsel *representing* Public Utility Division, Oklahoma Corporation  
Commission  
Deborah R. Thompson, Attorney *representing* AARP and Oklahoma  
Sustainability Network  
Rick D. Chamberlain, Attorney *representing* Walmart Inc.  
Thomas P. Schroedter, Attorney *representing* Oklahoma Industrial Energy  
Consumers  
Major Scott L. Kirk, Captain Robert J. Friedman, Thomas A. Jernigan, and  
Mark A. Davidson, Attorneys *representing* Federal Executive Agencies  
Ellen C. Edwards, Attorney *representing* Oklahoma Municipal Power  
Authority

**ORDER ESTABLISHING AMENDED PROCEDURAL SCHEDULE**

The Corporation Commission (“Commission”) of the State of Oklahoma being regularly in session and the undersigned Commissioners present and participating, there comes on for consideration and action an amended procedural schedule in this Cause. On May 19, 2020, this Commission issued Order No. 711670, Order to Temporarily Stay Procedural Schedule (“Stay Order”) which temporarily suspended Order No. 710428 (“Procedural Order”). The Commission stayed the procedural schedule in this Cause due to considerations related to the COVID-19 pandemic and “the uncertainty surrounding the method and date in which the hearing on the merits may occur” which impacted its ability to issue an order on OG&E’s Motion to Establish Notice Requirements and to Approve Form of Notice. The Stay Order was issued to “better assess the method and date for the hearing on the merits amidst the changing conditions related to COVID-

19.” The Administrative Law Judge (“ALJ”), in accordance with the Stay Order, set a prehearing status conference for June 25, 2020.

On June 25, 2020, the ALJ heard arguments regarding a continuance of the Prehearing Conference to allow parties the time to receive and review Data Request updates from OG&E and continued the Prehearing Conference to July 9, 2020. On July 9, 2020, the parties provided procedural schedule dates by agreement and the ALJ heard arguments of counsel regarding the ability of the Commission to conduct public hearings that facilitate public participation and established a hearing date of October 8, 2020. While the Commission building is still closed to the public, and the closure may continue, the ALJ finds that it is appropriate to set a hearing date. Should the building continue to be closed, the ALJ includes a status conference for September 17, 2020, to determine if the Hearing on the Merits (“Hearing”) can proceed and to provide for any precautionary procedures necessary to conduct the Hearing.

Based on agreement of counsel, the ALJ adopts the following Amended Procedural Schedule at this time:

### **AMENDED PROCEDURAL SCHEDULE**

The Hearing shall commence on October 8, 2020, at 8:30 a.m. and thereafter shall continue until the Hearing concludes. The Hearing will be heard before the ALJ in Courtroom 301, located on the 3<sup>rd</sup> Floor, Jim Thorpe Office Building, 2101 North Lincoln Boulevard, Oklahoma City, Oklahoma. The Commissioners or the ALJ may issue directives regarding courtroom procedures related to public health issues with COVID-19 prior to the Hearing.

The following dates and times are hereby established for the prosecution of this Cause.

<b><u>DATE</u></b>	<b><u>ACTION</u></b>
July 31, 2020	OG&E provides 2021 Plan and supporting Supplemental Direct Testimony
August 25, 2020	Discovery Cut-off for Direct Testimony; Responsive Testimony due
August 31, 2020	Statements of Position due; Deadline for Intervention
September 8, 2020	Settlement Conference via conference call or video conferencing
September 14, 2020	Discovery Cut-off for Responsive Testimony; Rebuttal Testimony due at 12:00 p.m.
September 17, 2020, 9:00 a.m.	Status Conference with ALJ to address any COVID-related accommodations for the Hearing in Courtroom B.
September 17, 2020, 10:00 a.m.	Settlement Conference. Location TBD
October 2, 2020	Pre-trial Motions due; Discovery Cut-off on Rebuttal Testimony; Exhibit Lists and Testimony Summaries due
October 7, 2020, 10:00 a.m. October 7, 2020, 1:30 p.m.	Pre-hearing Conference; all pre-trial motions heard; Public Comment commencing in Courtroom 301

Beginning October 8, 2020, at 8:30 a.m. until completed	Hearing on the Merits before the ALJ in Courtroom 301
7 business days after conclusion of the Hearing on the Merits	Findings of Facts and Conclusions of Law filed. Word document provided to ALJ
30 calendar days after filing of Findings of Fact and Conclusions of Law	ALJ report filed
10 calendar days following issuance of ALJ Report	Written Exceptions, if any, to be filed
7 calendar days following filing of Written Exceptions	Responses to Written Exceptions, if any, to be filed
To be determined	Hearing on Exceptions to the ALJ Report, if any

Discovery issued on Supplemental Direct Testimony shall be due within five (5) business days with objections due within three (3) business days. All other provisions set forth in Order No. 710428 shall be conformed in this Order.

### **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

THE COMMISSION FINDS that it is vested with jurisdiction in this Cause pursuant to Article IX, § 18 of the Oklahoma Constitution and 17 O.S. § 152.

THE COMMISSION FURTHER FINDS that the amended procedural schedule set forth in this Order and the General Provisions previously set forth in Order No. 710428 except as modified herein, should be adopted by the Commission and adhered to by the parties.

THE COMMISSION FURTHER FINDS that parties shall not be prejudiced by the stay and the Amended Scheduling Order shall pick up from when the schedule that was in place before the Stay Order was issued.

THE COMMISSION FURTHER FINDS that if the parties are able to dispose of the issues in this Cause by way of negotiated settlement, the dates contained herein may be modified.

There being no oral exceptions taken to the oral recommendation of the ALJ, such recommendation becomes the Order of the Commission upon the signature of a majority of the Commission.

### **ORDER**

THE COMMISSION FURTHER ORDERS that the amended procedural schedule set forth in this Order and general provisions as set forth in Order No. 710428 except as modified herein shall be adhered to by and between the parties to this Cause and the same shall become the order of the Commission.

THIS ORDER SHALL BE EFFECTIVE immediately.

OKLAHOMA CORPORATION COMMISSION

\_\_\_\_\_  
J. TODD HIETT, Chairman

\_\_\_\_\_  
BOB ANTHONY, Vice Chairman

\_\_\_\_\_  
DANA L. MURPHY, Commissioner

**CERTIFICATION**

DONE AND PERFORMED by the Commissioners participating in the making of this Order, as shown by their signatures above, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

[seal]

\_\_\_\_\_  
PEGGY MITCHELL, Secretary

**REPORT OF THE ADMINISTRATIVE LAW JUDGE**

The foregoing findings, conclusions, and order are the report and recommendation of the undersigned Administrative Law Judge.

\_\_\_\_\_  
/s/ Linda S. Foreman  
LINDA S. FOREMAN  
Administrative Law Judge

\_\_\_\_\_  
July 13, 2020  
Date

Cause No.

CORPORATION COMMISSION OF OKLAHOMA

\_\_\_\_\_  
J. TODD HIETT, CHAIRMAN

\_\_\_\_\_  
BOB ANTHONY, VICE CHAIRMAN

\_\_\_\_\_  
DANA L. MURPHY, COMMISSIONER

**CERTIFICATION**

DONE AND PERFORMED by the Commissioners participating in the making of this Order, as shown by their signatures above, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

BY ORDER OF THE COMMISSION:

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