

- Solar and Storage Coalition (“SSC”).¹

II. Acknowledgment of Certain Filings

The Impartial Hearing Examiner is aware of the following filings that may or may not have been resolved:

- On May 27, 2022, at Filing No. 47, certain Participants filed a Joint Motion to Modify Procedural Schedule. Although the deadline for responses is June 3, 2022, the Impartial Hearing Examiner notes below that he has a direct conflict with the proposed dates for the Impartial Hearing Examiner to draft and issue a recommendation.
- On May 31, 2022, at Item No. 52, TIEC filed a letter to the Impartial Hearing Examiner noting that TIEC was negotiating with Austin Energy regarding a dispute over TIEC’s RFI No. 1-3. TIEC represented that Austin Energy agreed with TIEC to a deadline of June 1, 2022 for TIEC to file a motion to compel. As no motion has been filed the Impartial Hearing Examiner assumes this matter was resolved and no ruling is necessary.

III. ADVISING PARTICIPANTS OF IHE SCHEDULING CONFLICTS

The Joint Motion to Modify Procedural Schedule proposes an Austin Energy Closing Brief deadline of August 15, 2022, and an Impartial Hearing Examiner Recommendation deadline of September 14, 2022. The Impartial Hearing Examiner has a direct conflict with this proposed timeline. The Impartial Hearing Examiner is set for a week-long trial as first chair counsel, with trial preparation, and a pretrial hearing in mid to late September, 2022. The trial setting is not expected to be continued. The Impartial Hearing Examiner notes that Austin Energy’s Procedural Schedule provided the Impartial Hearing Examiner 30 days to draft the recommendation.

¹ The Impartial Hearing Examiner has reviewed requests to participate and believes this is a complete list of pending requests to participate.

The Impartial Hearing Examiner is not pre-disposing a ruling on the Joint Motion to Modify Procedural Schedule. As of the time this Order No. 3 was filed, Austin Energy has not yet filed a response to the Joint Motion to Modify Procedural Schedule, nor have the Participants filed an agreement to extend deadlines. However, any *new* Procedural Schedule must take into account the Impartial Hearing Examiner's trial setting and provide the Impartial Hearing Examiner 30 days to draft the report, whether as a result of an agreement of the Participants, or the Impartial Hearing Examiner's ruling on the Joint Motion to Modify Procedural Schedule. The Participants may seek a hearing on this matter. If so, Austin Energy's counsel may contact the Impartial Hearing Examiner's office to facilitate a time and venue for the hearing, including a Zoom or Teams hearing.



Travis Vickery
Impartial Hearing Examiner

Date: June 3, 2022