

**UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION**

DCR Transmission, L.L.C.

**Docket Nos. ER23-2309-001,
ER23-2309-002,
ER24-1394-001,
ER24-1394-002,
EL26-34-000
(consolidated)**

**UNOPPOSED JOINT EXPEDITED MOTION FOR EXTENSION OF
PROCEDURAL SCHEDULE AND ADOPTION OF UPDATED PROCEDURAL
SCHEDULE**

**TO: The Honorable Andrew Satten
Chief Administrative Law Judge**

**The Honorable Joel deJesus
Presiding Administrative Law Judge**

Pursuant to Rules 212 and 213 of the Federal Energy Regulatory Commission’s (“Commission”) Rules of Practice and Procedure,¹ DCR Transmission, L.L.C. (“DCRT”); the California Department of Water Resources State Water Project and the Northern California Power Agency; the California Independent System Operator Corporation; the California Public Utilities Commission; the Cities of Anaheim, Azusa, Banning, Colton, Pasadena, and Riverside, California (the “Six Cities”); Commission Trial Staff; and the Electricity Transmission Competition Coalition (collectively, the “Active Participants”), hereby submit this Unopposed Joint Expedited Motion for Extension of Procedural Schedule and Adoption of Procedural Schedule which proposes to update the procedural schedule adopted in the Order Waiving Answer Period and Amending

¹ 18 C.F.R. §§ 385.212, 385.213 (2025).

Procedural Schedule issued by the Presiding Administrative Law Judge in these consolidated proceedings on June 20, 2025.²

As described in further detail below, the Active Participants respectfully request that the Chief Administrative Law Judge waive the standard 15-day answer period pursuant to Rule 213 of the Commission's Rules of Practice and Procedure³ and issue an expedited order extending the Track II procedural time standards for an initial decision to 89 days after the date set by the June 2025 Procedural Schedule Order to accommodate: (1) the Order Addressing Arguments Raised on Rehearing, Setting Aside Prior Order, Instituting Section 206 Proceeding, and Consolidating Proceedings issued by the Commission on Friday, January 30, 2026, which shifted the burden of proof in the ongoing hearing under existing consolidated Docket Nos. ER23-2309-001 and ER24-1394-001 and consolidated a new proceeding under section 206 of the Federal Power Act ("FPA"), Docket No. EL26-34-000;⁴ (2) an opportunity for submittal of pre-filed rebuttal testimony for the participants that now bear that shifted burden of proof; and (3) the complexity of this case, which has required more time than originally estimated for examination of witnesses under the currently effective procedural schedule. The proposed updated procedural schedule will allow sufficient time for the Presiding Judge to review a full record of a complex case and issue his Initial Decision.⁵ Should the Chief Judge grant this request, the Active Participants also request that either the Presiding Judge or the Chief Judge issue an expedited order that adopts the proposed updated procedural schedule included with this Motion as Attachment A. The Presiding Judge has

² *DCR Transmission, L.L.C.*, Order Waiving Answer Period and Amending Procedural Schedule, Docket Nos. ER23-2309-001 and ER24-1394-001 (consolidated) (issued June 20, 2025) ("June 2025 Procedural Schedule Order").

³ 18 C.F.R. § 385.213.

⁴ *DCR Transmission, L.L.C.*, Order Addressing Arguments Raised on Rehearing, Setting Aside Prior Order, Instituting Section 206 Proceeding, and Consolidating Proceedings, 194 FERC ¶ 61,085 (2026) ("January 2026 Rehearing Order").

⁵ *See* Tr. 98:4-6 (deJesus).

authorized the Active Participants to state that he supports this updated schedule.⁶ For these reasons, and because all Active Participants in these consolidated proceedings either support or do not oppose the requested extension, the Active Participants submit that good cause exists to grant this Motion.

I. BACKGROUND

The procedural history of these consolidated proceedings prior to June 18, 2025 is summarized in the Unopposed Joint Motion for Extension of Procedural Schedule and Adoption of Procedural Schedule filed by the Active Participants in these proceedings on May 13, 2025,⁷ and the Unopposed Joint Motion for Limited Extension of Procedural Schedule and Request for Waiver of Answer Period filed on June 18, 2025.⁸ The procedural history is also summarized in the January 2026 Rehearing Order. For brevity, the Active Participants do not recite all of that information here and incorporate those summaries by reference herein.

On May 8, 2025, at the first prehearing conference, the Presiding Judge raised the issue of assignment of burden of proof for the hearing in these proceedings.⁹ On May 21, 2025, after briefing and oral argument on the issue, the Presiding Judge made bench rulings that found: (1) DCRT's proposed Transmission Owner Tariff ("TO Tariff") and annual Base Transmission Revenue Requirement ("ABTRR") were an initial rate (together, the "Tariff Records"); and (2) pursuant to FPA section 206, the burden of proof fell on Commission Trial Staff and the parties

⁶ See Tr. 2209:7-9 (deJesus).

⁷ *DCR Transmission, L.L.C.*, Unopposed Joint Motion for Extension of Procedural Schedule and Adoption of Procedural Schedule at 3-4, Docket Nos. ER23-2309-001 and ER24-1394-001 (consolidated) (filed May 13, 2025).

⁸ *DCR Transmission, L.L.C.*, Unopposed Joint Motion for Limited Extension of Procedural Schedule and Request for Waiver of Answer Period at 2-4, Docket Nos. ER23-2309-001 and ER24-1394-001 (consolidated) (filed June 18, 2025).

⁹ See *DCR Transmission, L.L.C.*, 191 FERC ¶ 63,022, at P 8 (2025) ("Order Permitting Interlocutory Appeal").

challenging DCRT's Tariff Records.¹⁰ Several parties subsequently introduced oral motions for interlocutory appeal, as permitted by the Presiding Judge and the Commission's Rules of Practice and Procedure.¹¹ On May 22, 2025, the Presiding Judge issued an order confirming his bench rulings and presenting the interlocutory appeal for Commission review.¹²

On June 20, 2025, the Commission granted the interlocutory appeal and found that the DCRT Tariff Records should be treated as a change in rate.¹³ Under the June 2025 Interlocutory Appeal Order, DCRT therefore would have the FPA section 205 burden of proof in the consolidated proceedings in Docket Nos. ER23-2309-001 and ER24-1394-001. On January 13, 2026, the hearing began in those consolidated proceedings.

On January 30, 2026, nearly three weeks after the commencement of the hearing, the January 2026 Rehearing Order overturned the June 2025 Interlocutory Appeal Order. The January 2026 Rehearing Order finds that DCRT's Tariff Records constitute an initial rate and institutes a proceeding in Docket No. EL26-34-000 under section 206 of the FPA, thereby shifting the burden of proof to Commission Trial Staff and parties challenging DCRT's Tariff Records, and consolidating Docket No. EL26-34-000 with Docket Nos. ER23-2309 and ER24-1394.¹⁴

II. MOTION

The Active Participants respectfully request that the Chief Administrative Law Judge issue an expedited order extending the procedural time standards in these consolidated proceedings to permit, as reflected in the proposed updated procedural schedule included with this Motion as

¹⁰ See *id.* at P 10.

¹¹ See *id.* at P 29.

¹² *Id.* at PP 1, 30-31.

¹³ *DCR Transmission, L.L.C.*, 191 FERC ¶ 61,212 (2025) ("June 2025 Interlocutory Appeal Order").

¹⁴ January 2026 Rehearing Order at P 14.

Attachment A: (1) a limited recess sufficient to allow parties and Commission Trial Staff with the burden of proof to prepare and submit pre-filed rebuttal testimony; (2) a limited discovery period on that rebuttal testimony, followed by a recommencement of the hearing on April 8, 2026; and (3) issuance of an initial decision by September 14, 2026. Pursuant to his delegated authority, the Chief Administrative Law Judge may extend procedural time standards “for good cause shown.”¹⁵ Good cause exists to grant this Motion because of the shifting of the burden of proof under the January 2026 Rehearing Order, the timing of the Commission’s issuance of that order, and the complexity of this case.

As discussed above, the January 2026 Rehearing Order shifts the burden of proof onto the participants challenging DCRT’s Tariff Records. However, the pre-filed testimony submitted in these proceedings was prepared with the presumption that the burden of proof falls on DCRT. Therefore, neither intervenors challenging DCRT’s Tariff Records nor Commission Trial Staff had an opportunity to submit rebuttal testimony before the hearing began. In order to allow the participants with the burden of proof to submit rebuttal testimony while balancing the principle of judicial economy, the Active Participants have agreed to conclude the examination of DCRT Witness Mr. Jason Crew before going into recess. The relatively brief recess will afford the participants with the FPA section 206 burden of proof an opportunity to submit rebuttal testimony, open up a limited discovery window on that rebuttal testimony, and continue the hearing with a new sequence of witnesses in accordance with the shifted burden of proof, as shown in the proposed updated procedural schedule provided in Attachment A hereto. Additionally, based on their experience with the first three weeks of the hearing, the Active Participants agree that the

¹⁵ See 18 C.F.R. § 375.304(b)(1)(v); *White Tail Solar 3, LLC*, 177 FERC ¶ 63,001, at P 5 (2021).

pace of the hearing reflects the complexity of the case and that the complexity of the case requires the proposed updated procedural schedule.

Consistent with the duty to confer with opposing counsel before filing a non-dispositive motion,¹⁶ the Active Participants assert that all participants in these proceedings either support or do not oppose this Motion, including the request to waive the answer period.¹⁷ All members of the service list in Docket Nos. ER23-2309 and ER24-1394 were invited to share comments on this Motion. These agreed-upon comments are reflected herein. The extension of the procedural schedule requested herein will allow the participants to meaningfully participate in the proceedings, effectively represent their interests, and submit a complete record to the Presiding Judge and the Commission.

Given that this Motion is unopposed and given the parties' interest in moving the proceedings forward as expeditiously as possible, the Active Participants respectfully request that the Chief Administrative Law Judge waive the answer period required under Rule 213(d) of the Commission's Rules of Practice and Procedure¹⁸ and issue an expedited order granting this Motion by February 5, 2026. Should the Chief Judge grant this Motion, the Active Participants also respectfully request that either the Presiding Judge or the Chief Judge issue an expedited order that adopts the proposed updated procedural schedule included with this Motion as Attachment A.

¹⁶ See Hearing Rules at P 9 (adopting the Office of Administrative Law Judges' Uniform Hearing Rules); Uniform Hearing Rules at Section 3(a) (establishing a duty to confer).

¹⁷ The Active Participants shared a draft of this Motion and the proposed Procedural Schedule with the service list in these consolidated proceedings on February 3, 2026. No participant expressed opposition to this Motion.

¹⁸ 18 C.F.R. § 385.213(d).

III. CONCLUSION

WHEREFORE, for the foregoing reasons, the Active Participants respectfully request that:

(1) the Chief Administrative Law Judge issue an expedited order extending the procedural time standards in these consolidated proceedings, to permit a hearing recess to conduct additional pre-filed rebuttal testimony, a recommencement of the hearing on April 8, 2026, and an initial decision by September 14, 2026; (2) the Chief Administrative Law Judge waive the response period for answers to this Motion; and (3) either the Presiding Judge or the Chief Judge issue an expedited order adopting the proposed updated procedural schedule included with this Motion as Attachment A.

Respectfully submitted,

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February 4, 2026

ATTACHMENT A

Proposed Updated Procedural Schedule

Docket Nos. ER23-2309-001, *et al.*

April 2, 2025	Designation Order and Discovery Commences
May 8, 2025	Initial Pre-hearing Conference
May 15, 2025	Briefs on Threshold 205/206 issue due
May 21, 2025	Oral argument on Threshold 205/206 issue
June 24, 2025	Preliminary Joint Statement of Issues
July 31, 2025	Direct Testimony
September 17, 2025	Answering Testimony (including Trial Staff)
October 30, 2025	Cross-Answering Testimony (including Trial Staff)
December 5, 2025	Rebuttal Testimony
December 16, 2025	Deadline for Final Discovery Requests and Notices of Depositions
December 23, 2025	Close of Discovery (deadline to answer outstanding discovery and deadline to take depositions)
January 5, 2026	Deadline to submit discovery disputes to the Presiding Judge; deadline for Motions to Strike and Dispositive Motions; deadline to Submit Revisions to Privileged/Nonpublic Designations for All Exhibits (including witness testimony) and/or Motions to Resolve Disputes Concerning Privileged/Nonpublic Designations
January 7, 2026	Joint Statement of Issues (with summaries of each participant's positions on each issue); Joint Stipulations, and Joint Witness List (with time estimates for the presentation of each witness); Initial Joint Index of Exhibits
January 9, 2026	IT Tutorial, if necessary and Final Pre-hearing Conference, if necessary

January 13, 2026	Commencement of Hearing
February 5, 2026 (or at the conclusion of the examination of DCRT Witness Mr. Jason Crew) ¹	Rebuttal Recess Begins
February 27, 2026	Joint Statement of Issues (with summaries of each participant's positions on each issue); Joint Stipulations, and Joint Witness List (with initial time estimates for the presentation of each witness); Initial Joint Index of Exhibits
March 9, 2026	New Rebuttal Testimony due from Intervenors Challenging the DCRT Tariff Records and Commission Trial Staff; Limited discovery period on New Rebuttal Testimony opens
March 20, 2026	Deadline for discovery requests limited to New Rebuttal Testimony
March 27, 2026	Deadline for replies to discovery limited to New Rebuttal Testimony
April 3, 2026	Deadline to submit discovery disputes to the Presiding Judge concerning New Rebuttal Testimony; deadline for Motions to Strike and Dispositive Motions concerning New Rebuttal Testimony; deadline to Submit Revisions to Privileged/Nonpublic Designations for All Exhibits (including witness testimony); Joint Witness List (with revised time estimates for the presentation of each witness) (if necessary); and/or Motions to Resolve Disputes Concerning Privileged/Nonpublic Designations
April 8, 2026	Hearing Rebuttal Recess ends; Hearing recommences
May 8, 2026	Last Day of Hearing
May 15, 2026	Joint Procedural History, and Final Index/Certification of Exhibits ²
May 22, 2026	Joint Statement of Proposed Corrections for Transcript Errata
June 15, 2026	Filing of Initial Briefs

¹ In the event the conclusion of the examination of DCRT Witness Mr. Jason Crew occurs after February 6, 2026, the Active Participants, individually or wholly, reserve the right to request a further amendment of the procedural schedule.

² This milestone and all other post-hearing milestones assume that the hearing will conclude on May 8, 2026.

July 23, 2026	Filing of Reply Briefs
September 14, 2026	Initial Decision

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon each person designated on the official service lists for the above-captioned dockets, in accordance with the requirements of Rule 2010 of the Commission's Rules of Practice and Procedure (18 C.F.R. § 385.2010).

Dated at Washington, DC this 4th day of February, 2026.

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