

BEFORE THE CORPORATION COMMISSION OF THE STATE OF OKLAHOMA

207 APPLICATION OF PUBLIC SERVICE)
COMPANY OF OKLAHOMA FOR A)
DETERMINATION THAT ADDITIONAL) CAUSE NO. PUD 200500516
ELECTRIC GENERATING)
CAPACITY WILL BE USED AND USEFUL)

APPLICATION OF PUBLIC SERVICE)
COMPANY OF OKLAHOMA FOR A) CAUSE NO. PUD 200600030
DETERMINATION THAT ADDITIONAL)
BASELOAD ELECTRIC GENERATING)
CAPACITY WILL BE USED AND USEFUL)

IN THE MATTER OF THE APPLICATION OF)
OKLAHOMA GAS AND ELECTRIC COMPANY)
FOR AN ORDER OF THE COMMISSION) CAUSE NO. PUD 200700012
GRANTING PRE-APPROVAL TO CONSTRUCT)
RED ROCK GENERATING FACILITY AND)
AUTHORIZING A RECOVERY RIDER) ORDER NO. **536112**

HEARING: March 1, 2007
Before the Commission *en banc*

APPEARANCES: William J. Bullard, Patrick D. Shore, Robert D. Stewart, Jr. and Dustin R. Fredrick, Attorneys for Oklahoma Gas & Electric Company
Jack P. Fite, Attorney for Public Service Company of Oklahoma
David Dykeman and Andrew Tevington, Deputy General Counsels;
Lenora Burdine and Teryl L. Williams, Assistant General Counsels,
Oklahoma Corporation Commission for Public Utility Division,
Oklahoma Corporation Commission
Deborah R. Thompson, Attorney for Energetix, L.L.C.
William L. Humes and Elizabeth Ryan, Assistant Attorneys General,
Office of the Attorney General
Thomas P. Schroedter, James R. Satrom, and J. Fred Gist, Attorneys for
Oklahoma Industrial Energy Consumers
Lee Paden, Attorney for Quality of Service Coalition
Kendall Parrish, Attorney for AES Pacific and AES Shady Pointe
Cheryl A. Vaught and Scot A. Conner, Attorneys for Redbud Energy, LP
Ronald E. Stakem and Jack G. Clark, Jr., Attorneys for OG&E
Shareholders Association
Rick D. Chamberlain, Attorney for Wal-Mart Stores East, LP

PROCEDURAL ORDER

BY THE COMMISSION:

The Oklahoma Corporation Commission ("Commission") being regularly in session and the undersigned Commissioners being present and participating, there comes on for consideration and action the above Causes for an order by the Commission.

On February 8, 2007, the Commission jointly held an Initial Screening Conference regarding the above Causes. Following discussion and argument of the Parties, the matter was taken under advisement.

I. CONSOLIDATION

The Parties have agreed that Cause Nos. PUD 200500516, PUD 200600030 and PUD 200700012 should be consolidated in the interest of judicial economy.

II. HEARING BY ADMINISTRATIVE LAW JUDGE

The hearing in this matter shall be conducted by an Administrative Law Judge (ALJ), who shall prepare a written recommendation to the Commission. Each and every Commissioner may attend and participate fully in any session of the hearing before the ALJ; therefore, the ALJ shall make certain that proper notice is posted and otherwise published to comply with the Oklahoma Open Meetings Act, 25 Okla. Stat. § 301 *et seq.*, as well as all applicable requirements under the Administrative Procedures Act, 75 Okla. Stat. § 250 *et seq.*, OAC 165:5, and any other applicable law.

III. PROCEDURAL SCHEDULE

The Parties shall operate under the following Procedural Schedule:

Technical Conference regarding PSO and OG&E Integrated Resource Plans	Tuesday, Wednesday, Thursday, March 13, 14, and 15, 2007
Technical Conference regarding Red Rock Generating Facility	Tuesday, March 27, 2007
Technical Conference regarding PSO Request for Proposals	Wednesday, March 28, 2007
Cut-off of discovery on Direct Testimony	Friday, May 11, 2007
Responsive Testimony and Statements of Position Due	Monday, May 21, 2007
Cut-off of discovery on Responsive Testimony	Monday, June 11, 2007
Rebuttal Testimony Due	Monday, June 18, 2007
Pre-Hearing Motions Due	Friday, June 22, 2007
Settlement Conference	Monday, June 25, 2007 at 10:00 a.m.

Witness & Exhibit Lists, Witness Summaries Due	Wednesday, June 27, 2007
Cut-off of discovery on Rebuttal Testimony	Friday, June 29, 2007
Pre-Hearing Conference	Friday, June 29, 2007
Hearing on the Merits regarding PSO and OG&E Red Rock Used and Useful Determination and PSO Peaking Facilities	Monday, July 2, Tuesday, July 3, Monday, July 9 through Wednesday, July 11, 2007 and Monday, July 16, through Tuesday, July 17, 2007
Hearing on the Merits regarding OG&E Red Rock Cost Recovery	Thursday, July 19 and Friday, July 20, 2007
Proposed Findings of Fact and Conclusions of Law to ALJ Due	Friday, July 27, 2007
ALJ Report Issued	Monday, August 6, 2007
Appeal of ALJ Report Due	Thursday, August 16, 2007
Response to Appeal of ALJ Report Due	Tuesday, August 21, 2007

On the testimony filing dates specified herein, copies of all testimony shall be provided to all parties, the Commission and the ALJ in both electronic and hard copy format.

GENERAL PROVISIONS

IV. TESTIMONY

The following order of witnesses shall be followed unless otherwise directed by the ALJ:

- a. Public Service Company of Oklahoma
- b. Oklahoma Gas and Electric Company
- c. OG&E Shareholders Association
- d. Energetix, L.L.C.
- e. AES Pacific and AES Shady Pointe
- f. Redbud Energy, LP
- g. Quality of Service Coalition
- h. Wal-Mart Stores East, LP
- i. Oklahoma Industrial Energy Consumers
- j. Attorney General's Office
- k. Commission's Staff

All Parties shall provide summaries of their testimony which will be placed into the record.

1. Applicants will first present the filed direct and rebuttal testimony, summaries and statements of position of their witnesses. Cross-examination and redirect examination of the Applicants' witnesses will then be allowed. Intervenors will then present the filed responsive testimony and oral surrebuttal testimony of their witnesses, limited to

the scope of filed rebuttal testimony. Cross-examination and redirect examination of intervenors' witnesses will then be allowed.

2. Due to Applicants having the burden of proof, after other Parties have presented their testimony, summaries and statements of position, Applicants may be allowed to present oral sur-surrebuttal testimony provided the respective Applicant can show that other Parties have raised new issues which the respective Applicant was unable to adequately address through cross-examination. The oral sur-surrebuttal shall be strictly limited to the new issues.
3. Parties acknowledge and agree that timely responses to discovery requests are the basis for parties agreeing to the consolidated and expedited hearing schedule set forth herein and should parties fail to respond to discovery requests in a timely manner pursuant to the terms of this order, parties reserve the right to seek modification to the dates set forth herein.
4. Once the respective Applicant has presented its oral sur-surrebuttal testimony, the witness shall be tendered for cross and redirect examination. Any cross-examination shall be limited to the issue addressed in the sur-surrebuttal testimony; likewise, the redirect examination will be limited to issues which were raised during cross-examination.
5. After Applicants' sur-surrebuttal testimony and cross-examination, if any other Party(ies) deems it necessary to request of the Commission to be allowed to present further surrebuttal type testimony, the ALJ shall evaluate the request and make a determination based on the following criteria:
 - a. Whether or not any new issue(s) has been raised.
 - b. Whether or not the Party was able to adequately respond to the new issue during cross-examination.
 - c. Whether or not additional testimony/evidence is needed as a matter of due process to the requesting Party.
 - d. Whether or not the additional testimony/evidence is necessary to perfect the record.
 - e. Whether or not additional testimony/evidence is cumulative in nature and has been previously and sufficiently addressed.
 - f. Whether or not any statutorily imposed time will permit further testimony/evidence.

V. PROCEDURE FOR DISCOVERY

A. DISCOVERY AND OBJECTIONS

1. Direct Testimony—Responses to discovery requests shall be due ten (10) calendar days from receipt. If a Party cannot meet the ten (10) calendar day requirement they shall immediately notify the other Party. Any objections to a discovery request shall be in writing and presented by the objecting Party within three (3) business days of the receipt to the discovery request, unless such day falls on a Saturday, Sunday or legal holiday, in which case the objection must be presented the following business day. The hearing on such objections shall be set within two (2) business days, unless specifically set on dates agreed to by the Parties or directed otherwise by the ALJ.
2. Responsive and Rebuttal Testimony—Responses to discovery requests shall be due five (5) business days from receipt. If a Party cannot meet the five (5) business day requirement they shall immediately notify the other Party. Any objections to a discovery request shall be in writing and presented by the objecting Party within three (3) business days of the receipt to the discovery request, unless such day falls on a Saturday, Sunday or legal holiday, in which case the objection must be presented the following business day. The hearing on such objections shall be set within two (2) business days, unless specifically set on dates agreed to by the Parties or directed otherwise by the ALJ.
3. Calculation of days for discovery purposes shall be determined to be on or before 3:00 p.m. Any filing or service made after 3:00 p.m. shall be deemed to be made the following business day.
4. Any objection regarding the testimony or qualification of any witness shall be filed by motion and set for hearing prior to the commencement of the hearing. Any such motion shall be heard on the regularly scheduled motion docket that precedes the commencement of the hearing or as otherwise directed by the ALJ.
5. Data requests and responses may be referred to and utilized as exhibits at the hearing in these Causes.
6. Unless otherwise agreed by the Parties or directed by the ALJ, data requests and responses must be served by electronic transmission, facsimile or hand-delivery.
7. Data requests and responses issued in Cause Nos. PUD 200500516, PUD 200600030, or PUD 200700012 may be used in the same manner as data requests and responses issued in any of the above Causes.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Commission finds that it is vested with jurisdiction in these Causes pursuant to 17 O.S. §§ 152 and 286, and the Commission's Rules of Practice, OAC 165:5.

The Commission further finds that Cause Nos. PUD 200500516, PUD 200600030 and PUD 200700012 should be consolidated as set forth herein until modified by subsequent Commission order.

The Commission further finds that the procedural schedule and the general provisions set forth herein should be adopted by the Commission and adhered to by the Parties until modified by subsequent Commission order.

The Commission further finds that if the Parties are able to dispose of the issues in these Causes by way of negotiated settlement, the dates contained herein shall be modified by the ALJ after notice and hearing.

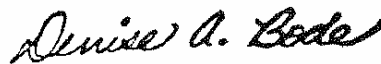
ORDER

IT IS THEREFORE THE ORDER OF THE CORPORATION COMMISSION OF THE STATE OF OKLAHOMA that Cause Nos. PUD 200500516, PUD 200600030 and PUD 200700012 shall be consolidated and the procedural schedule and general provisions as set forth herein shall be adhered to by and between the Parties to these Causes and the same shall become the order of the Commission.

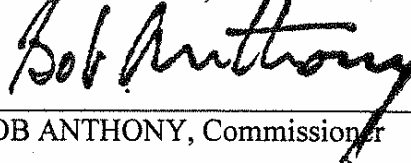
OKLAHOMA CORPORATION COMMISSION



JEFF CLOUD, Chairman

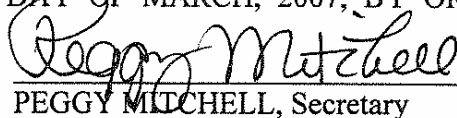


DENISE A. BODE, Vice Chairman



BOB ANTHONY, Commissioner

DONE AND PERFORMED THIS 1 DAY OF MARCH, 2007, BY ORDER OF THE COMMISSION:



PEGGY MITCHELL, Secretary