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**SOAH DOCKET NO. 473-14-5139.WS
PUC DOCKET NO. 42862**

**APPEAL OF WATER AND
SEWER RATES CHARGED
BY THE
TOWN OF WOODLOCH
CCN NOS. 12312 AND 20141**

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2015 JUL 16 PM 4:43
**BEFORE THE STATE OFFICE
OF PUBLIC UTILITY COMMISSION
ADMINISTRATIVE HEARINGS**

**SOAH ORDER NO. 15
RULING ON PENDING MOTIONS**

The following motions are pending before the Administrative Law Judge (ALJ):

A. The Parties' Motion for a Briefing Outline

The staff (Staff) of the Public Utility Commission of Texas (Commission) has offered a proposed briefing outline that has been agreed to by the parties. The outline is approved by the ALJ and the parties are directed to organize their post-hearing briefs in accordance with the outline.

B. Staff's Motion to Admit Staff Exhibit 15

Staff has moved to re-open the record and admit Staff Exhibit 15, which consists of excerpts from the so-called "M1 Manual."¹ The motion is not opposed. The motion is granted, and Staff Ex. 15 is admitted.

C. The Town of Woodloch's Motion to Admit Woodloch Exs. 38A, 38B, and 38C

The Town of Woodloch (Woodloch) similarly seeks to re-open the record and admit additional exhibits. Specifically, Woodloch seeks admission of three documents from the Texas Commission on Environmental Quality (TCEQ):

¹ American Water Works Association, *Principles of Water Rates, Fees, and Charges; Manual of Water Supply Practices M1*, Sixth Ed. (2012).

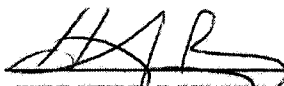
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- Woodloch Ex. 38A is a June 3, 2015, letter from a person in the Municipal Permits Team of the Wastewater Permitting Section at TCEQ to a consultant working for Woodloch. The letter transmits a draft Texas Pollutant Discharge Elimination System (TPDES) Permit which the TCEQ is proposing to issue to Woodloch;
- Woodloch Ex. 38B is TCEQ Staff's "Statement of Basis/Technical Summary and Executive Director's Preliminary Decision" report which outlines why Staff is proposing to issue the TPDES Permit to Woodloch; and
- Woodloch Ex. 38C is the draft TPDES Permit.

Collectively, the three exhibits total roughly 50 pages. The exhibits were not available until after the evidentiary record closed in this case. Woodloch argues that the documents provide relevant evidence supporting the contention that the town's wastewater system requires substantial improvements and, necessarily, funding to pay for those improvements.

Catherine Lewkowski and Commission Staff both filed responses opposing Woodloch's motion. For the reasons stated in the responses of Ms. Lewkowski and Commission Staff, Woodloch's motion is denied, and Woodloch Exs. 38A, 38B, and 38C are not admitted.

SIGNED July 16, 2015.



HUNTER BURKHALTER
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS