



Control Number: 42862



Item Number: 42

Addendum StartPage: 0

House Bill (HB) 1600 and Senate Bill (SB) 567 83<sup>rd</sup>  
Legislature, Regular Session, transferred the functions  
relating to the economic regulation of water and sewer  
utilities from the TCEQ to the PUC effective  
September 1, 2014.

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42862

SOAH DOCKET NO. 582-08-2571  
TCEQ DOCKET NO. 2008-0507-UCR

PETITION BY OUTSIDE  
RATEPAYERS APPEALING RATES  
ESTABLISHED BY THE TOWN OF  
WOODLOCH

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BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARING

CHIEF CLERKS OFFICE

2008 JUN 10 PM 2:26

TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY

**ORDER NO. 2**  
**DOCUMENTING PRELIMINARY HEARING;**  
**ESTABLISHING PROCEDURAL SCHEDULE; AND**  
**NOTICES OF PREHEARING CONFERENCE AND HEARING ON THE MERITS**

**I. Documenting Preliminary Hearing**

A preliminary hearing convened in this case on June 3, 2008. Exhibits ED-A, ED-B, EC-C, and ED-D were admitted into evidence for jurisdictional purposes, and the Administrative Law Judge (ALJ) took official notice that jurisdiction was established.

The ALJ designated that following as parties:

PARTY	REPRESENTATIVES
Town of Woodloch	Robert L. Ferguson, Mayor <sup>1</sup>
Executive Director (ED), Texas Commission on Environmental Quality (TCEQ)	Stefanie Skogen, attorney, TCEQ Environmental Law Division
Office of Public Interest Counsel (OPIC)	Eli Martinez, attorney, OPIC
Cathy Lewkowski and Petitioning Ratepayers (See Ex. ED-A)	Cathy Lewkowski
Wendy Hamrick	Wendy Hamrick

<sup>1</sup> Mr. Ferguson did not attend the preliminary hearing but contacted the SOAH Docketing office afterwards, stating that he went to the wrong location. Based on prior filings by Mr. Ferguson as Mayor of the Town of Woodloch, he is designated as its representative.

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SOAH Dkt. No. 582-07-2751  
TCEQ Dkt. No. 2008-0507-UCR

ORDER NO. 2

Page 2

Ms. Hamrick requested to act as representative of other ratepayers residing on Woodhollow Drive. In order to do so, she must file written authorization from such persons on or before June 30, 2008.

## II. Procedural Schedule

The following procedural schedule is adopted and shall govern this case:

DEADLINE/DATE	ACTIVITY
July 15, 2008	Deadline for mediation at the State Office of Administrative Hearings.
July 16 2008	Discovery begins.
August 26, 2008	Discovery ends.
September 9, 2008	Town of Woodloch to prefile testimony.
October 8, 2008	Ratepayers and OPIC to prefile testimony.
November 5, 2008	ED to prefile testimony.
November 14, 2008	Deadline for objections to all parties' prefled testimony.
December 2, 2008	Deadline for responses to objections to prefled testimony.
January 5, 2009	Prehearing Conference, if needed.
January 7, 2009	Hearing on the merits (1 day)

CHIEF CLERK'S OFFICE

2008 JUN 10 PM 12:26

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SOAH Dkt. No. 582-07-2751  
TCEQ Dkt. No. 2008-0507-UCR

ORDER NO. 2

Page 3

### III. Notice of Prehearing Conference

Notice is hereby given that a prehearing conference will be held in this case, if needed, as follows:

January 5, 2009, 9:00 a.m.  
State Office of Administrative Hearings  
William Clements State Office Building, 4th Floor  
300 W. 15th Street  
Austin, Texas

Depending on the scope of the matters pending at the time, the prehearing conference may be held by telephonic conference call.

### IV. Notice of Hearing on the Merits

Notice is hereby given that a hearing on the merits will be held in this case as follows:

January 7, 2009, 9:00 a.m.  
State Office of Administrative Hearings  
William Clements State Office Building, 4th Floor  
300 W. 15th Street  
Austin, Texas

SIGNED June 10, 2008.



THOMAS H. WALSTON  
ADMINISTRATIVE LAW JUDGE  
STATE OFFICE OF ADMINISTRATIVE HEARIN

**STATE OFFICE OF ADMINISTRATIVE HEARINGS****AUSTIN OFFICE****300 West 15th Street Suite 502****Austin, Texas 78701****Phone: (512) 475-4993****Fax: (512) 475-4994****SERVICE LIST****AGENCY: Environmental Quality, Texas Commission on (TCEQ)****STYLE/CASE: TOWN OF WOODLOCH****SOAH DOCKET NUMBER: 582-08-2571****REFERRING AGENCY CASE: 2008-0507-UCR****STATE OFFICE OF ADMINISTRATIVE  
HEARINGS****ADMINISTRATIVE LAW JUDGE  
ALJ THOMAS H. WALSTON****REPRESENTATIVE / ADDRESS****PARTIES****DOCKET CLERK  
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(512) 239-3311 (FAX)****TEXAS COMMISSION ON ENVIRONMENTAL QUALITY****STEFANIE SKOGEN  
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CATHY LEWKOWSKI

PETITIONING RATEPAYERS

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WENDY HAMRICK

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xc: Docket Clerk, State Office of Administrative Hearings

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DATE:

06/10/2008

NUMBER OF PAGES INCLUDING THIS COVER SHEET:

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REGARDING:

ORDER NO. 3 - GRANTING AGREED REQUEST FOR MEDIATED SETTLEMENT  
CONFERENCE

DOCKET NUMBER:

582-08-2571FAX TO:  
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**SOAH DOCKET NO. 582-08-2571  
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RATEPAYERS APPEALING RATES  
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**BEFORE THE STATE OFFICE  
OF  
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**CHIEF CLERK'S OFFICE**

**2008 JUN 10 PM 12:26**

**TEXAS  
COMMISSION  
ON ENVIRONMENTAL  
QUALITY**

**ORDER NO. 3  
GRANTING AGREED REQUEST FOR MEDIATED SETTLEMENT CONFERENCE**

At the preliminary hearing held in this case held on June 3, 2008, the parties jointly requested that a mediated settlement conference be conducted by the State Office of Administrative Hearings (SOAH). The request for a mediated settlement conference has merit.

**Therefore, it is ORDERED that:**

1. The case is referred to the SOAH Alternative Dispute Resolution (ADR) Team Leader, Renee M. Rusch, for appointment of a mediator and a period of mediation. With the issuance of this Order, the official file in this case is transferred to Judge Rusch.
2. **The mediator will schedule a mediated settlement conference on or before July 15, 2008, in consultation with the parties. The actual date will be set by the mediator after consultation with the parties. The parties request that mediation be held in either Conroe or Houston.**
3. The case will be returned to the presiding Administrative Law Judge (ALJ) on July 16, 2008, unless extended by order of the undersigned presiding ALJ
4. Each party is ordered to appear at the mediated settlement conference with a party representative, in addition to counsel, who has full settlement authority for this matter.
5. If the mediation is successful, the parties shall file a motion to remand this case to the TCEQ ED and to dismiss this case from the SOAH docket.

**SIGNED June 10, 2008.**



**THOMAS H. WALSTON  
ADMINISTRATIVE LAW JUDGE  
STATE OFFICE OF ADMINISTRATIVE HEARINGS**



**STATE OFFICE OF ADMINISTRATIVE HEARINGS****AUSTIN OFFICE**

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xc: Docker Clerk, State Office of Administrative Hearings

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REGARDING: ORDER NO. 2- DOCUMENTING PRELIMINARY HEARING; ESTABLISHING PROCEDURAL SCHEDULE; AND NOTICES OF PREHEARING CONFERENCE AND HEARING ON THE MERITS

DOCKET NUMBER:

582-08-2571

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