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Item Number: 12

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.

STATE OFFICE OF ADMINISTRATIVE HEARINGS

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REGARDING:

ORDER NO. 2 - GRANTING MOTION FOR CLARIFICATION

DOCKET NUMBER:

582-14-3382

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**SOAH DOCKET NO. 582-14-3382**  
**TCEQ DOCKET NO. 2014-0439-UCR**

**PETITION OF TRAVIS COUNTY  
MUNICIPAL UTILITY DISTRICT  
NO. 12 APPEALING CHANGE OF  
WHOLESALE WATER RATES  
IMPLEMENTED BY  
WEST TRAVIS COUNTY PUBLIC  
UTILITY AGENCY;  
CITY OF BEE CAVE, TEXAS;  
HAYS COUNTY, TEXAS; AND  
WEST TRAVIS COUNTY MUNICIPAL  
UTILITY DISTRICT NO. 5**

**ORDER NO. 2**  
**GRANTING MOTION FOR CLARIFICATION**

On July 1, 2014, West Travis County Public Utility Agency (WTCPUA) filed a motion for clarification of Order No. 1. No party opposes the motion, and the motion is granted.

As the Administrative Law Judge (ALJ) ruled at the preliminary hearing held on June 11, 2014, the schedule set out in Order No. 1 governs only the first phase of this case (Phase 1), which concerns whether WTCPUA's protested wholesale rates adversely affect the public interest.<sup>1</sup> Should the Commission<sup>2</sup> determine that the public interest is affected and remand this case for a second phase hearing (Phase 2) concerning WTCPUA cost of service, the ALJ will adopt a separate schedule to govern that phase.

Additionally, the schedule should be modified to change the date of one of the prehearing conferences from April 12 to April 13, 2015. With that change, the Phase 1 schedule concerning whether the protested wholesale rates adversely affect the public interest is set out below.

<sup>1</sup> 30 Tex. Admin. Code §§ 291.133 & 291.134.

<sup>2</sup> Unless otherwise indicated, the ALJ uses “Commission” to refer to the Texas Commission on Environmental Quality (TCEQ), the Public Utility Commission of Texas (PUC), or both since jurisdiction over this case will transfer from the TCEQ to the PUC on September 1, 2014.

DATE	EVENT
July 14, 2014	Discovery begins and responses to discovery requests are due in 30 days.
August 15, 2014	Deadline for requests for disclosure.
September 11, 2014	Prehearing conference to consider adjustments necessary due to transfer of jurisdiction from the Commission to the Public Utility Commission of Texas (PUC).
October 17, 2014, through October 31, 2014	District 12 is not required to respond to any discovery or motion. Any response deadline during this period is tolled.
October 31, 2014	Deadline for District 12 to prefile its direct case in writing, including all testimony and exhibits.
December 5, 2014, through December 19, 2014	Parties other than District 12 and the ED are not required to respond to any discovery or motion. Any response deadline during this period is tolled.
December 19, 2014	Deadline for parties other than District 12 and the ED to prefile their direct cases in writing, including all testimony and exhibits.
December 22, 2014, through January 1, 2015	Hiatus for holidays.
January 23, 2015, through February 6, 2015	The PUC Staff is not required to respond to any discovery or motion. Any response deadline during this period is tolled.
February 6, 2015	Deadline for PUC Staff to prefile its direct cases in writing, including all testimony and exhibits.
March 6, 2015	Discovery to District 12 on direct case ends. Deadline to file motions for summary disposition.
March 6, 2015, through March 20, 2015	District 12 is not required to respond to any discovery or motion. Any response deadline during this period is tolled.
March 13, 2015	Deadline to file objections to and motions to strike any prefiled direct-case evidence.
March 16, 2015	Deadline to file responses to motions for summary disposition.
March 20, 2015	Deadline for District 12 to file rebuttal evidence.
March 20, 2015	Discovery ends for non-rebuttal discovery.
March 27, 2015	Deadline to propound discovery concerning District 12's rebuttal. Objections to this discovery are due within 10 days, and responses to objections are due ten days after objections are served.
March 27, 2015	Deadline to file responses to objections and motions to strike direct-case prefiled evidence.
April 10, 2015	Deadline to conduct depositions.

DATE	EVENT
April 13, 2015	Prehearing conference to rule on objections to prefiled evidence and other pending matters.
April 20, 2015	Hearing on the merits of case begins.
April 24, 2015	Estimated end of the hearing on the merits.

The hearing on the merits will convene at 9:00 a.m., April 20, 2015, at the William P. Clements Office Building, Fourth Floor, 300 West 15th Street, Austin, Texas. Unless the Parties are notified otherwise, the hearing on the merits will continue each workday until it has concluded. Given the complexity and anticipated length, appearing at the hearing on the merits by telephone is not practical and will not be allowed.

The September 11, 2014, and April 13, 2015, preliminary hearings will be held at 10:00 a.m., at the William P. Clements Office Building, Fourth Floor, 300 West 15th Street, Austin, Texas.

SIGNED July 1, 2014.



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WILLIAM G. NEWCHURCH  
ADMINISTRATIVE LAW JUDGE  
STATE OFFICE OF ADMINISTRATIVE HEARINGS

**STATE OFFICE OF ADMINISTRATIVE HEARINGS**

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**AGENCY:** Environmental Quality, Texas Commission on (TCEQ)  
**STYLE/CASE:** WEST TRAVIS COUNTY PUBLIC UTILITY AGENCY  
**SOAH DOCKET NUMBER:** 582-14-3382  
**REFERRING AGENCY CASE:** 2014-0439-UCR

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**STATE OFFICE OF ADMINISTRATIVE  
HEARINGS**

**ADMINISTRATIVE LAW JUDGE**  
**ALJ WILLIAM G. NEWCHURCH**

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WEST TRAVIS COUNTY PUBLIC UTILITY AGENCY

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CITY OF BEE CAVE

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## Liz Slick

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## Liz Slick

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