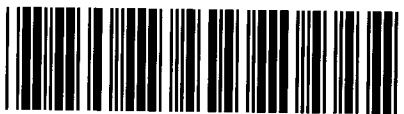




Control Number: 42867



Item Number: 131

Addendum StartPage: 0

SOAH DOCKET NO. 473-14-5138.WS
PUC DOCKET NO. 42857

RECEIVED

2015 JAN -5 PM 2:19

PETITION OF NORTH AUSTIN § BEFORE THE STATE OFFICE COMMISSION
UTILITY DISTRICT NO. 1, § FILING CLERK
NORTHTOWN MUNICIPAL UTILITY §
DISTRICT, TRAVIS COUNTY WATER §
CONTROL AND IMPROVEMENT §
DISTRICT NO. 10 AND WELLS § OF
BRANCH MUNICIPAL UTILITY §
DISTRICT, FROM THE RATEMAKING §
ACTIONS OF THE CITY OF AUSTIN §
AND REQUEST FOR INTERIM RATES §
IN WILLIAMSON AND TRAVIS §
COUNTIES § ADMINISTRATIVE HEARINGS

SOAH DOCKET NO. 473-14-5138.WS
PUC DOCKET NO. 42867

PETITION OF NORTH AUSTIN § BEFORE THE STATE OFFICE
MUNICIPAL UTILITY DISTRICT NO. §
1, NORTHTOWN MUNICIPAL §
UTILITY DISTRICT, AND WELLS §
BRANCH MUNICIPAL UTILITY §
DISTRICT FROM THE RATEMAKING § OF
ACTIONS OF THE CITY OF AUSTIN §
AND REQUEST FOR INTERIM RATES §
IN WILLIAMSON AND TRAVIS §
COUNTIES § ADMINISTRATIVE HEARINGS

**CITY OF AUSTIN'S MOTION FOR EXTENSION OF TIME AND PREHEARING
CONFERENCE**

TO THE HONORABLE ADMINISTRATIVE LAW JUDGES:

COMES NOW, the City of Austin, (herein sometimes referred to as "City," "Austin" or "Respondent"), in the above styled and docketed wholesale water and wastewater rate appeal proceeding and serves this, its Motion for Extension of Time and Prehearing Conference.

131

I. INTRODUCTION AND BACKGROUND

1. The City of Austin ("the City" or "Austin") was made party to this water rate petition in accordance with Order No. 1 Granting Motion to Continue Preliminary Hearing ("Order No. 1") on June 17, 2013.
2. On July 14, 2014, Austin witnesses Greg Meszaros, Bart Jennings, Drema Gross, Teresa Lutes, Michael Castillo, David Anders, Joseph Healy and Richard Giardina filed their Prefiled Testimony and Exhibits with the State Office of Administrative Hearings ("SOAH") and the Public Utilities Commission ("PUC"). Each of the named parties in Order No. 1 were served a copy of the prefiled testimonies via electronic mail and regular United States mail.
3. On December 22, 2014, Petitioners filed their Objections to, Motion to Exclude and Motion to Strike Prefiled Testimony and Exhibits of Greg Meszaros, Bart Jennings, Drema Gross, Teresa Lutes, Michael Castillo, David Anders, Joseph Healy and Richard Giardina's Prefiled Testimony.
4. Petitioners filed extensive objections on December 22, 2014, generally objecting to every aspect of Austin's direct case, including the identification of the witnesses, the use of any contractual or public records, many of which were the same documents included in Petitioners' prefiled testimony, and which form the jurisdictional bases of this case. Consequently, many of the objections were made simply to burden and harass Austin and to require Austin to provide a response.

II. REQUEST FOR EXTENSION OF TIME AND FOR PREHEARING CONFERENCE

Austin will provide its responses to Petitioners objections later today. However, the extensive nature of Petitioners' objections make it tedious and difficult to provide individual written responses to each evidentiary challenge. In light of the extensive holiday schedule from

December 22, 2014 through today, January 5, 2014, Austin requests the opportunity to supplement its responses with oral argument at the next prehearing conference. Austin requests a prehearing conference to be scheduled in the week of January 12, 2014 to consider objections and responses to prefiled testimony and other pending motions.

III. RELIEF REQUESTED

WHEREFORE, the City of Austin prays that the Administrative Law Judges grant this Motion for Extension of Time and for Prehearing Conference; and schedule a prehearing conference for the week of January 12, 2014.

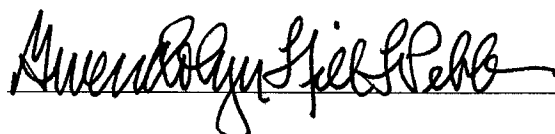
Respectfully submitted,

KAREN KENNARD,
City Attorney

D. CLARK CORNWELL
Assistant City Attorney

WEBB & WEBB
712 Southwest Tower
211 East Seventh Street
Austin, Texas 78767
Tel: (512) 472-9990
Fax: (512) 472-3183

By:



Gwendolyn Hill Webb
State Bar No. 21026300

Stephen P. Webb
State Bar No. 21033800

ATTORNEYS FOR CITY OF AUSTIN

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served via hand delivery, facsimile, electronic mail, overnight mail, US mail and/or Certified Mail Return Receipt Requested on all parties whose names appear on the mailing list below on this 5th day of January, 2015.

FOR THE PUBLIC UTILITY COMMISSION:

1701 N. Congress Avenue, 7th Floor
PO Box 13326
Austin, Texas 78711-3326
Via Electronic Upload

FOR THE ADMINISTRATIVE LAW JUDGES:

Honorable Pratibha J. Shenoy
Administrative Law Judge

Honorable Beth Bierman
Administrative Law Judge

State Office of Administrative Hearings
300 W. 15th Street, Suite 504
Austin, Texas 78701
Phone: 512-475-4993
Fax: 512-322-2061
Via Electronic Upload

FOR THE SOAH DOCKET CLERK:

Ms. Monica Luna, Docketing Clerk
State Office of Administrative Hearings
300 W. 15th Street, Suite 504
Austin, Texas 78701
Phone: 512-475-4993
Fax: 512-322-2061
Via Electronic Upload


GWENDOLYN HILL WEBB

FOR PETITIONERS:

Mr. Randall B. Wilburn, Attorney at Law
3000 South IH 35, Suite 150
Austin, Texas 78704
Phone: 512-535-1661
Fax: 512-535-1678
rbw@randallwilburnlaw.com

Mr. John Carlton, Attorney at Law
The Carlton Law Firm, PLLC
2705 Bee Cave Road, Suite 200
Austin, Texas 78746
Phone: 512-614-0901
Fax: 512-900-2855
john@carltonlawaustin.com

FOR THE PUC STAFF:

Mr. Hollis Henley, Attorney – Legal Division
Public Utility Commission of Texas
1701 N. Congress Avenue
PO Box 13326
Austin, Texas 78711-3326
Phone: 512-936-7230
Fax: 512-936-7268
Hollis.henley@puc.texas.gov

Mr. Thomas Tynes, Attorney – Legal Division
Public Utility Commission of Texas
1701 N. Congress Avenue
PO Box 13326
Austin, Texas 78711-3326
Phone: 512-936-7297
Fax: 512-936-7268
Thomas.Tynes@puc.texas.gov