



Control Number: 42897



Item Number: 24

Addendum StartPage: 0

SOAH DOCKET NO. 473-15-0615
PUC DOCKET NO. 42897

RECEIVED
2014 OCT 22 PM 1:39

APPLICATION OF TURNER CREST
VILLAGE WASTE WATER, LLC AND
JDB TURNER CREST WASTEWATER
LLC FOR SALE, TRANSFER, OR
MERGER OF FACILITIES AND
CERTIFICATE RIGHTS IN CALDWELL
COUNTY (37845-S)

§
§
§
§
§
§
§

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

SOAH ORDER NO. 1
CASE DESCRIPTION, SCHEDULING OF PREHEARING CONFERENCE,
AND FILING REQUIREMENTS

I. CASE DESCRIPTION AND JURISDICTION

Turner Crest Village Waste Water, LLC (Seller) filed an application with the Texas Commission on Environmental Quality (TCEQ) requesting approval to sale its sewer system and transfer its Certificate of Convenience and Necessity (CCN) Number 21004 to JDB Turner Crest Wastewater LLC (Buyer, and together with Seller, Applicant). On September 1, 2014, jurisdiction over the sale, transfer, and merger of sewer CCNs was transferred from the TCEQ to the Public Utility Commission of Texas (Commission or PUC).¹ On October 6, 2014, the PUC referred this case to the State Office of Administrative Hearings (SOAH) for hearing. The Commission has jurisdiction and authority over this matter pursuant to the Texas Water Code ch. 13² and P.U.C. procedural rules at chapter 24.³ The Commission will consider and possibly adopt a preliminary order at its open meeting scheduled for November 14, 2014.

¹ Acts 2013, 83rd Leg., R.S., Chs. 170 (H.B. 1600) & 171 (S.B. 567), eff. September 1, 2013.

² <http://www.puc.texas.gov/agency/rulesnlaws/statutes/PUCWaterStatutes.pdf>

³ <http://www.puc.texas.gov/agency/rulesnlaws/subrules/water/Water.aspx>

II. SCHEDULING OF PREHEARING CONFERENCE

The Administrative Law Judge (ALJ) will convene a prehearing conference in a SOAH hearing room located on the Fourth Floor of the William P. Clements Building, 300 West 15th Street, Austin, Texas, after the Commission issues the preliminary order. The parties are **ORDERED** to confer regarding a mutually agreeable date for the prehearing conference to be held and Commission staff (Staff) shall file a letter with a proposed date by **October 29, 2014**. The ALJ is available on the following dates: November 24, 2014, December 2, and 10, 2014. The time of the prehearing conference will be 10:00 a.m. Central Standard Time on the date chosen by the ALJ. Specific topics to be addressed at this prehearing conference will include, but not be limited to, the following: (1) whether appropriate notice has been given to all persons, utilities, etc., (2) pending motions, including motions to intervene, (3) whether this case is affected by any other pending application to amend a CCN or for a sale, transfer or merger of a CCN, and (4) establishing a procedural schedule (including a hearing date). The Administrative Law Judge directs Staff and Applicant to confer about any applicable documents supporting notice, which shall be offered and introduced into evidence at the prehearing conference.

III. FILING AND SERVICE PROCEDURES

The procedures regarding filing and service are specified in Subchapter E of the Commission's procedural rules and apply in this proceeding. The Commission's procedural rules are found at <http://www.puc.texas.gov>, under the tab "Rules & Laws" at chapter 22. Parties are expected to know those procedures and comply with them fully.

A. Filing

Pleadings and other filings shall be deemed filed when the proper number of legible copies is presented to the PUC filing clerk for filing. **All pleadings must contain both the SOAH and PUC docket numbers to allow for efficient processing.**

For a party who may not be familiar with the PUC processes, all PUC filings are available for viewing and downloading from the Commission's website (www.puc.state.tx.us). Once there, click at the top under "Filings." Then go to Filings Search, click on "Filings Search" and type in the control number 42897 and press "enter." A list of documents filed in this docket will appear and you may access those documents by clicking on the document number. The PUC's procedural rules are also available at the PUC website.

B. Service

As stated above, all documents filed in this case must be filed at the PUC. When a party files a document with the PUC, that party is required to "serve" or provide a copy of that document to every other party. Service on a party may be made by delivery of a copy of the pleading or document to the party's authorized representative or attorney of record either in person; by agent; by courier receipted delivery; by first class mail; by certified mail, return receipt requested; or by registered mail to such party's address of record, or by facsimile transmission to the recipient's current facsimile machine.

A copy of the service list in this case is attached for the parties' convenience.

Parties may wish to provide an email address for the service list. If so, they may go to SOAH's web site at <http://soah.state.tx.us> and click on "Request Service by Email." They would then be required to complete a short form. The service list will be updated as necessary.

Only one address per party will be included on the official service list maintained by SOAH. Corrections to the service list should be directed to Virginia Gonzales at virginia.gonzales@soah.texas.gov, who may be contacted by email or by telephone at 512-475-1272.

C. Responses to Motions and Other Pleadings

Unless otherwise specified, responses to any motion or other pleading shall be filed within five working days from receipt of the pleading to which the response is made. Such responsive pleadings shall state the date of receipt of the pleading to which a response is made. Failure to file a timely response will be considered acquiescence to the relief requested.

A party not familiar with the Commission's rules is encouraged to contact the Staff attorney assigned to this case, Jessica Gray, at 512-936-7228 or jessica.gray@puc.texas.gov, if that party has any questions about the Commission's rules or procedures, including the filing of documents with the Commission.

SIGNED October 21, 2014.



HOLLY VANDROVEC
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS