



Control Number: 43081



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SOAH DOCKET NO. 473-15-0218
PUC DOCKET NO. 43081

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PUBLIC UTILITY COMMISSION
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SECOND PETITION OF TRAVIS	§	BEFORE THE STATE OFFICE
COUNTY MUNICIPAL UTILITY	§	
DISTRICT NO. 12 APPEALING	§	
CHANGE OF WHOLESALE WATER	§	
RATES IMPLEMENTED BY	§	
WEST TRAVIS COUNTY PUBLIC	§	OF
UTILITY AGENCY;	§	
CITY OF BEE CAVE, TEXAS;	§	
HAYS COUNTY, TEXAS; AND	§	
WEST TRAVIS COUNTY MUNICIPAL	§	
UTILITY DISTRICT NO. 5	§	ADMINISTRATIVE HEARINGS

SOAH ORDER NO. 1
SCHEDULING PREHEARING CONFERENCE

On July 31, 2014, Travis County Municipal Utility District No. 12 (District 12) filed the above petition (Second Petition) with the Texas Commission on Environmental Quality (TCEQ) on behalf of itself and Travis County Municipal Utility Districts Nos. 11 and 12. They sought review of a drought surcharge being levied against them by West Travis County Public Utility Agency; City Of Bee Cave, Texas; Hays County, Texas; and West Travis County Municipal Utility District No. 5. District 12 asserted that the TCEQ had jurisdiction to review the surcharge under Texas Water Code §§ 11.036, 11.041, 12.013, and 13.043(f). District 12 also asks that interim rates be set until this case is resolved.

On August 11, 2014, West Travis County Public Utility Agency (WTCPUA) filed a response disputing the TCEQ's jurisdiction. Alternatively, it contended that jurisdiction was limited to Texas Water Code § 13.043(f) and a bifurcated review is necessary to first determine if the contested surcharge adversely affects the public interest. The WTCPUA opposes interim rates.

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On September 1, 2014, jurisdiction under Texas Water Code §§ 12.013 and 13.043(f) was transferred from the TCEQ to the Public Utility Commission of Texas (PUC).¹ On September 8, 2014, the PUC's Director of Commission Advising and Docket Management referred the Second Petition to the State Office of Administrative Hearings (SOAH) for assignment of an Administrative Law Judge (ALJ) to conduct a hearing and prepare a Proposal for Decision. The PUC will consider and possibly adopt a preliminary order on October 17, 2014.

A case involving the same parties and related issues is currently pending before SOAH: *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*, SOAH Docket No. 473-14-5144, PUC DOCKET NO. 42866 (First Petition). District 12 requests consolidation of the First and Second Petition cases. The PUA opposes consolidation.

Notice of Prehearing Conference

The undersigned ALJ will convene a **prehearing conference at 10:00 a.m., Tuesday, September 30, 2014**, at the SOAH hearing facilities located at the William P. Clements Office Building, 300 West 15th Street, Fourth Floor, Austin, Texas. The following matters will be discussed:

1. Jurisdiction;
2. Proper notice of the proceeding;
3. Pending motions to intervene;
4. Motion to consolidate;
5. Motion for interim rates;

¹ Acts 2013, 83rd Leg., ch. 170 (H.B. 1600), §§ 2.07, 2.15 & 2.96(a)(1) & ch. 171 (S.B. 567), §§ 7, 15 & 96(a)(1), effective September 1, 2013.

6. Any other motion filed by 3:00 p.m. on September 26, 2014;
7. A procedural schedule, including a date for the hearing;
8. Adoption of a protective order; and
9. Any other matters that may assist in the disposition of this case in a fair and efficient manner.

Those attending the prehearing are advised that they must check in with building security personnel in the lobby of the William P. Clements Building and be issued visitor badges before proceeding to the hearing room. The parties should allow sufficient time for the check-in procedure.

Discovery

Discovery may begin immediately pursuant to Subchapter H of the Commission's Procedural Rules.

Filing 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.

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 43081 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.

Service Procedures

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://www.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.

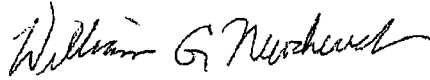
Only one address per party will be included on the official service list maintained by SOAH. Corrections to the service list should be directed to Liz Slick, who may be contacted by email at Liz.Slick@soah.state.tx.us or by telephone at (512) 475-3363.

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.

SIGNED September 18, 2014.



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

STATE OFFICE OF ADMINISTRATIVE HEARINGS

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SERVICE LIST

AGENCY: Public Utility Commission of Texas (PUC)
STYLE/CASE: SECOND PETITION OF TRAVIS COUNTY MUNICIPAL
UTILITY DISTRICT NO. 12 APPEALING CHANGE OF
WHOLESALE WATER RATES
SOAH DOCKET NUMBER: 473-15-0218
REFERRING AGENCY CASE: 43081

**STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

ADMINISTRATIVE LAW JUDGE
ALJ WILLIAM G. NEWCHURCH

REPRESENTATIVE / ADDRESS

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