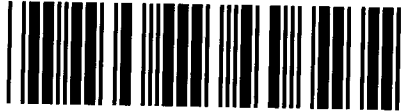




Control Number: 43166



Item Number: 7

Addendum StartPage: 0

House Bill (HB) 1600 and Senate Bill (SB) 567 83rd
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.

SOAH DOCKET NO. 582-09-0657
TCEQ NO. 2008-1536-UCR

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PUBLIC UTILITY COMMISSION
FILING CLERK

INVESTIGATION PURSUANT TO
TEXAS WATER CODE CHAPTER
13.004 OF TYNAN WATER SUPPLY
CORPORATION

§
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§

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

**ORDER NO. 1
SCHEDULING ORDER**

On January 5, 2009, a preliminary hearing was convened by State Office of Administrative Hearings (SOAH) Administrative Law Judge (ALJ) Rebecca S. Smith pursuant to notice issued October 21, 2008. Trey Jackson appeared for the Executive Director (ED) of the Texas Commission on Environmental Quality (TCEQ). No one appeared for Tynan Water Supply Corporation (Respondent).

Jurisdiction

One exhibit addressing jurisdiction and notice was admitted into evidence without objection:

- (1) ED Exhibit A - Notice of Preliminary Hearing.

Party Status

The parties are the ED and Tynan Water Supply Corporation.

Schedule

The following schedule shall be followed in this case:

- 1) discovery begins on January 5, 2009;
- 2) written discovery requests must be received no later than 5:00 p.m. on February 3, 2009;
- 3) all responses to written discovery shall be due to the propounding party by 5:00

p.m. on March 5, 2009;

- 4) discovery will be completed by 5:00 p.m. on March 5, 2009;
- 5) the hearing on the merits shall convene at 9:00 a.m. on April 1, 2009, in a SOAH hearing room on the 4th Floor of the William P. Clements Building, 300 West 15th Street, Austin, Texas. The hearing will continue from day to day until completed.

If the hearing is predicted to last more than one day, the ED shall arrange and pay for a court reporter to transcribe the hearing, subject to an allocation of those costs among all the parties at the end of the case. 30 TEX. ADMIN. CODE § 80.23.

Discovery

The parties may make agreements about the conduct of discovery. The ALJ will consider for enforcement only those agreements that are written and signed by the parties involved in the discovery dispute. The parties may alter by agreement any scheduling deadlines in this order with the exception of the date and time of the convening of the hearing on the merits and the deadline for the ALJ's submission of a proposal for decision. Counsel will cooperate to make witnesses available for depositions at reasonable times and places by agreement. If agreement cannot be reached, then the parties may proceed under the provisions of 30 TEX. ADMIN. CODE § 80.153.

Exhibits

Each party's exhibits should be labeled in a manner to all allow them to be easily distinguished from those of the other parties. Each exhibit will be separately marked. Each page of each exhibit should be paginated consecutively, three-hole punched, and placed in a three-hole binder. The binder should include on the cover and spine the name of the party, the volume number of the exhibit binder (if more than one binder is used), the style of the case, and the SOAH docket number. A table of contents should be included in each volume of the exhibits to identify each exhibit by exhibit number and a brief description. The parties may file their

exhibits on digital media. At the hearing, each party will submit a paper original of its exhibits to the ALJ and to each opposing party. The documents submitted to the ALJ will be the official **RECORD SET** of the evidence.

A motion for continuance will not be considered unless it contains a certificate that the movant has attempted to confer with all opposing parties or their representatives, whether the movant actually conferred with them, and their responses to the motion.

If the hearing is predicted to last more than one day, the ED shall arrange and pay for a court reporter to transcribe the hearing, subject to an allocation of those costs among all the parties at the end of the case. 30 TEX. ADMIN. CODE § 80.23.

SIGNED January 5, 2009.

A handwritten signature in black ink, appearing to read "Rebecca S. Smith", is written over a horizontal line.

**REBECCA S. SMITH
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS**

STATE OFFICE OF ADMINISTRATIVE HEARINGS

AUSTIN OFFICE

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SERVICE LIST

AGENCY: Environmental Quality, Texas Commission on (TCEQ)

STYLE/CASE: TYNAN WATER SUPPLY CORP

SOAH DOCKET NUMBER: 582-09-0657

REFERRING AGENCY CASE: 2008-1536-UCR

**STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

**ADMINISTRATIVE LAW JUDGE
ALJ REBECCA SMITH**

REPRESENTATIVE / ADDRESS

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xc: Docket Clerk, State Office of Administrative Hearings

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DATE:

01/05/2009

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REGARDING:

ORDER NO. 1 - SCHEDULING ORDER

DOCKET NUMBER:

582-09-0657

JUDGE REBECCA SMITH

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NOTE: IF ALL PAGES ARE NOT RECEIVED, PLEASE CONTACT ELIZABETH SLICK(lsl) (512) 475-4993

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