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**SOAH DOCKET NO. 473-15-2274.WS  
PUC DOCKET NO. 43175**

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<p><b>APPLICATION OF COMMUNITY WATER SERVICE, INC. AND WALTER J. CARROLL WATER COMPANY, INC. FOR SALE, TRANSFER, OR MERGER OF FACILITIES AND CERTIFICATE RIGHTS IN ELLIS COUNTY</b></p>	<p>§ § § § § § §</p>	<p style="text-align: center;"><b>BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS</b></p>
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**SOAH ORDER NO. 5  
GRANTING MOTION TO ADOPT PROCEDURAL SCHEDULE;  
NOTICE OF HEARING ON THE MERITS AND ON SANCTIONS; AND  
GRANTING MOTION TO COMPEL**

On August 19, 2015, the Staff of the Public Utility Commission of Texas (Commission) indicated that this matter may settle. However, on October 5, 2015, Walter J. Carroll Water Co., Inc. (Applicant) filed a motion for entry of a procedural schedule. No party filed an objection to Applicant's motion.

Therefore, the motion is GRANTED. The Administrative Law Judge (ALJ) notes that Applicant prefiled its direct case on August 4, 2015. Accordingly, the following deadlines shall apply:<sup>1</sup>

Event	Deadline
Evidentiary objections to Applicant's prefiled direct	October 16, 2015
City of Red Oak direct testimony or statement of position	October 30, 2015
Commission Staff direct testimony or statement of position	November 6, 2015
Applicant's rebuttal, if any	November 17, 2015
Hearing on the merits	December 8, 2015

Evidentiary objections to Red Oak, Staff, and rebuttal testimony are due within five working days of receipt. Responses are due within three working days.

<sup>1</sup> Applicant's proposed schedule does not include a deadline for the City of Red Oak to file testimony. Therefore, the ALJ added this deadline and a deadline for any party to file evidentiary objections to Applicant's prefiled direct.

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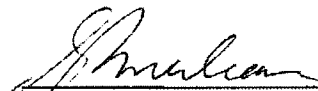
The ALJ will convene the hearing on the merits at **10:00 a.m. on December 8, 2015**, in a SOAH hearing room located on the Fourth Floor of the William P. Clements Building, 300 West 15th Street, Austin, Texas.<sup>2</sup>

On October 5, 2015, Applicant filed a motion to compel Red Oak to respond to discovery propounded on June 23, 2015. Applicant requested Red Oak to respond to nine requests for production and a request for disclosure. Applicant's motion to compel is GRANTED.

Red Oak SHALL respond to the discovery requests propounded on June 23, 2015, on or before October 23, 2015. Abuse of the discovery process and failure to obey an order are grounds for sanctions pursuant to 16 Texas Administrative Code § 22.161. Applicant has moved for sanctions based on Red Oak's failure to respond to discovery.

**A hearing on the issue of sanctions shall convene at the conclusion of the hearing on the merits on December 8, 2015.**

**SIGNED October 14, 2015.**

  
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**LILLO D. POMERLEAU**  
**ADMINISTRATIVE LAW JUDGE**  
**STATE OFFICE OF ADMINISTRATIVE HEARINGS**

<sup>2</sup> Parking in this area is limited. Parking is available for a fee at the Bob Bullock Museum, located at 1800 Congress, and the Capitol Visitors' Parking Garage, located at 1201 San Jacinto, several blocks away from the SOAH hearings facility. There are small private lots at Lavaca and 17<sup>th</sup> Street, 15<sup>th</sup> St. and San Antonio, and 18<sup>th</sup> Street and Colorado. These lots tend to fill up early. Also, anyone attending the prehearing conference will need to check in with the office building security desk in the lobby (it helps to have the SOAH docket number, found at the top of this Order).