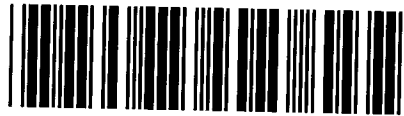


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SOAH DOCKET NO. 473-16-0075.WS
PUC DOCKET NO. 43183

2015 SEP 17 AM 10:05

APPLICATION OF ENGLISH ACRES § BEFORE THE STATE OFFICE
AND DARIO V. GUERRA III FOR SALE, §
TRANSFER, OR MERGER OF § OF
FACILITIES AND CERTIFICATE OF §
CONVENIENCE AND NECESSITY IN § ADMINISTRATIVE HEARINGS
JIM WELLS COUNTY (37864-S)

SOAH ORDER NO. 1
JURISDICTION, NOTICE OF PREHEARING CONFERENCE,
AND GENERAL PROCEDURES

On March 7, 2014, English Acres and Dario V. Guerra, III (also known as Derby Inc.) filed an application with the Texas Commission on Environmental Quality (TCEQ) for the sale, transfer, or merger of a water certificate of convenience and necessity (CCN) and associated facilities. On September 1, 2014, jurisdiction over water utility CCNs was transferred to the Public Utility Commission of Texas (Commission or PUC).¹

I. JURISDICTION

Texas Water Code §§ 13.241 – 13.257 vest jurisdiction over CCN matters in the Commission. Pursuant to chapter 2003 of the Texas Government Code, the State Office of Administrative Hearings (SOAH) has jurisdiction over all matters relating to the conduct of a hearing in this matter.

On September 8, 2015, the Commission issued its Order of Referral, referring this matter to SOAH and requesting the assignment of an Administrative Law Judge (ALJ) to conduct a hearing and issue a proposal for decision, if necessary.

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

II. NOTICE OF TELEPHONIC PREHEARING CONFERENCE

The ALJ will hold a telephonic prehearing conference at **10:00 a.m. on October 16, 2015**. The ALJ will use a conference bridge for the prehearing conference. Anyone wishing to participate in the prehearing conference should call the dial-in number below and, at the prompt, enter the conference ID followed by the # sign.

Dial-in-toll number:	(512) 717-4201
Conference ID:	151-6653

The ALJ may discuss the following matters at the prehearing conference:

- (1) Motions and other preliminary matters related to the proceeding, including notice, discovery, and procedural schedules;
- (2) Settlement of the case, or clarification and simplification of the issues;
- (3) The necessity or desirability of amended pleadings;
- (4) The possibility of obtaining stipulations that would avoid the unnecessary introduction of evidence;
- (5) Evidentiary matters;
- (6) The specific procedures to be followed at the hearing;
- (7) The scheduling of the hearing on the merits; and
- (8) Any other matters as may assist in the disposition of the proceeding in a fair and efficient manner.

III. GENERAL PROCEDURES

The Commission's procedural rules govern this proceeding. *See* 16 Texas Administrative Code ch. 22. The procedural rules may be found at the Commission's website, www.puc.texas.gov. Parties are expected to know these procedures and comply with them fully.

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 43183 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.

A. Filing

The procedures for the filing of pleadings and other documents are set out in chapter 22, subchapter E of the Commission's procedural rules. Pleadings and other documents shall be deemed filed when the proper number of legible copies is presented to the Commission's filing clerk for filing. **All pleadings must contain both the SOAH and PUC docket numbers to allow for efficient processing.**

B. Service

As stated above, all documents filed in this case must be filed at the Commission. When a party files a document with the Commission, that party is required to serve or give a copy of that document to every other party. Attached to this order is a service list for the parties' convenience.

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

C. Motions and Responses to Motions and Other Pleadings


Before filing a motion or a request for relief, the party filing the motion must contact the other parties to determine if the parties agree to or oppose the motion. The motion must state the parties' positions on the requested relief.

Unless otherwise specified, responses to a motion or another pleading must 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 original pleading. Failure to file a timely response will be considered acquiescence to the relief requested.

D. Discovery

Discovery may begin immediately and is governed by the Commission's procedural rules at 16 Texas Administrative Code, chapter 22, subchapter H. Parties will not provide copies of Requests for Information (RFIs) or responses to RFIs to the ALJ. However, when a party files a motion to compel, the movant will include a copy of every RFI and objection to which the motion applies. Any affidavits supporting an objection, motion to compel, or response shall be attached to the relevant document. Discovery disputes will be resolved based on the written documents, any sworn affidavits attached thereto, and materials, if any, provided for *in camera* inspection, unless a prehearing conference is deemed necessary.

SIGNED September 16, 2015.



HOLLY VANDROVEC
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS