



Control Number: 43585



Item Number: 36

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

43585

SOAH DOCKET NO. 582-02-3056

**IN THE MATTER OF THE
APPLICATIONS OF THE CITY OF
AUSTIN FOR A WATER
CERTIFICATE OF CONVENIENCE
AND NECESSITY (NO. 33562-C) AND
A WASTEWATER CERTIFICATE OF
CONVENIENCE AND NECESSITY
(NO. 33563-C)**

**APPLICATIONS OF HORNSBY
BEND UTILITY COMPANY
TO AMEND CERTIFICATES
OF CONVENIENCE AND
NECESSITY NOS. 11978 AND 20650**

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

100

ORDER NO. 11

ADOPTING PROPOSED PROCEDURAL SCHEDULE AND DISMISSING LCRA

On June 4, 2003, the City of Austin and Hornsby Bend Utility Company filed a proposed scheduling order and requested dismissal of LCRA in accordance with LCRA's previous request. No responses to the motion have been filed. No responses to the motion have been filed. The motion is granted as set out below.

LCRA. LCRA is formally dismissed as a party to this proceeding in accordance with its February 20, 2003 motion.

Procedural Schedule. The proposed procedural schedule is approved and adopted as follows:

Deadline or Date

Activity

July 3, 2003

Depositions completed

July 14, 2003

In-person prehearing conference convenes at 10.00 a.m.

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SOAH Docket No. 582-02-3056
TCEQ Docket No. 2002-0186-UCR

Order No. 11

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August 1, 2003	Applicants file pre-filed testimony and exhibits
August 29, 2003	Parties other than applicants and ED file pre-field testimony and exhibits
September 12, 2003	ED files pre-filed testimony and exhibits
September 22, 2003	Deadline to file objections and motions to strike testimony and evidence
October 2, 2003	Prehearing conference to set time limits for case presentation, address objections to pre-field testimony and exhibits and any remaining prehearing issues.
October 6, 2003	Hearing convenes at 9:00 a.m., in the SOAH hearing facilities on the fourth floor of the William Clements Building , 300 West 15 th Street, Austin, Texas. Three weeks are being reserved for the hearing.

SIGNED on this the 13th day of June, 2003.

STATE OFFICE OF ADMINISTRATIVE HEARINGS



KERRY SULLIVAN
ADMINISTRATIVE LAW JUDGE

** Transmit Conf. Report **

P. 1

Jun 13 2003 15:31

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Participants and Their Roles

Parties Named by the

Administrative Law Judge:

(Note: Customers of a utility seeking a rate change are generally entitled to party status.)

- ◆ must appear at the preliminary hearing, either personally or through an authorized representative.
- ◆ must show they have a personal interest that could be affected by the rate change.
- ◆ have the right to participate in settlement negotiations.
- ◆ have the right and the responsibility to participate in *discovery* if the case does not settle. "Discovery" is an exchange of questions and answers among all the parties and can result in significant costs if there are many parties.
- ◆ have the right and the responsibility to file motions and arguments.
- ◆ have the right to present witnesses and evidence at an evidentiary hearing.

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- ◆ have the right to cross-examine (question) other parties' witnesses.
- ◆ have the right to appear before the TNRCC commissioners when the case is considered for a final decision.
- ◆ could be required to pay a portion of the cost for a court reporter if an evidentiary hearing is required.

Administrative Law Judge,

State Office of Administrative Hearings:

- ◆ opens and presides over the hearing.
- ◆ ensures the hearing process complies with applicable laws and rules.

Executive Director, TNRCC:

The executive director is represented by a staff attorney, accountant, and engineer who

- ◆ evaluate the application for compliance with TNRCC rules and policies.
- ◆ provide support and information to help the parties reach an agreement that is fair to customers and the utility.

Public Interest Counsel (PIC), TNRCC:

- ◆ is, by law, a party to the hearing.
- ◆ may be represented by a staff member of the TNRCC's Office of the Public Interest Counsel.

- ◆ is charged with the responsibility of helping parties understand the process and everyone's role in it.
- ◆ does **not** represent either the utility or the customers.
- ◆ can be contacted at 512/239-6363.

Utility:

- ◆ is the party requesting the rate/tariff change.
- ◆ is responsible for presenting its application.
- ◆ has to provide sufficient documentation to support its request.
- ◆ is typically represented by an attorney and a rate consultant.

Additional Information

Utilities and Districts Section
Water Permits and Resource Mgmt. Division
TNRCC

512/239-6960

www.tnrcc.state.tx.us

State Office of Administrative Hearings
512/475-4993



UTILITIES & DISTRICTS, MC 153
TEXAS NATURAL RESOURCE
CONSERVATION COMMISSION
PO BOX 13087
AUSTIN TX 78711-3087

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State Office of Administrative Hearings
Natural Resources Division
P.O. Box 13025
Austin, Texas 78711-3025
(512) 475-4993

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John Deering / Geoffrey Kirshbaum	239-0606
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Ronald Freeman	453-0865
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Docket Clerk, TNRCC	239-3311
FROM:	Christina Eischens, Assistant to Judge Kerry Sullivan
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DATE:	June 13, 2003
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SOAH Docket No. 582-02-3056; TNRCC Docket No. 2002-0189-UCR; City of Austin

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