



Control Number: 43990



Item Number: 69

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

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SOAH DOCKET NO. 582-06-0425 2014 DEC 19 AM 8:34
TCEQ DOCKET NO. 2005-1516-UCR

PUBLIC UTILITY COMMISSION
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APPLICATION OF TAPATIO SPRINGS
SERVICE COMPANY, INC.,
TO AMEND CERTIFICATES
OF CONVENIENCE AND NECESSITY
NOS. 12122 AND 20698 IN KENDALL
COUNTY, TEXAS

§
§
§
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§
§

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

**ORDER NO. 5
DENYING MOTION TO COMPEL**

On April 26, 2006, the ratepayers represented by Elizabeth Martin submitted a Motion to Compel, seeking an order directing the Applicant, Tapatio Springs Service Co., Inc., to answer movant's Interrogatories, Requests for Admissions, and Requests for Production in the captioned proceeding. On May 1, 2006, the Applicant submitted a response opposing the motion, which generally reiterated objections made in the responses to the initial requests for discovery and which also asserted that the motion was untimely, under 1 TAC § 155.31(i).

After reviewing the pleadings, the Administrative Law Judge ("ALJ") concluded that the motion was untimely, as asserted by the Applicant, and that it presented no valid basis for an order compelling responses from the Applicant. With respect to the specific items at issue, the ALJ makes the following determinations:

*** Requests for Production:**

Nos 3, 4, 5, 6, 7, 11, 13, 14, 17, and 18:

Denied. The requests clearly are overbroad, unduly burdensome, and vague, potentially encompassing innumerable subjects with little or no relevance to this proceeding and little likelihood of leading to the discovery of admissible evidence.

*** Interrogatories:**

Nos 2 and 11:

Denied. The requests clearly are overbroad, unduly burdensome, and vague, potentially encompassing innumerable subjects with little or no relevance to this proceeding and little likelihood of leading to the discovery of admissible evidence.

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* Requests for Admissions:

No. 12:

Denied. The request seeks to have the Applicant make representations about the intentions of third parties. The Applicant could not meaningfully respond with admission or denial of such a request and properly declined to answer.


ADDRESSING REQUESTS TO MAINTAIN PARTY STATUS

In response to Order No. 4, Al Hamilton submitted a letter noting that he, in fact, did provide the information requested by the ALJ to ascertain whether the persons Mr. Hamilton represented could qualify for party status as ratepayers of the Applicant – contrary to a statement made by the ALJ in that order. After reviewing the record, the ALJ agrees. (The ALJ had overlooked the fact that the information previously submitted by Mr. Hamilton included verification by the Applicant's general manager that the persons then represented by Mr. Hamilton were, in fact, ratepayers.) Nonetheless, as this information was submitted concurrent with the formal withdrawal of requests for party status on behalf of these persons, it does not affect their present status as non-parties to this proceeding.

PROCEDURAL QUESTIONS

Routine procedural and logistical questions may be directed to Rita McBride at (512) 475-3419; however, please note that SOAH support personnel are not authorized to provide general advice or the interpretation of regulations or policy.

SIGNED May 2, 2006.



MIKE ROGAN
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS

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AGENCY: **Environmental Quality, Texas Commission on (TCEQ)**

STYLE/CASE: **TAPATIO SPRINGS SERVICE CO, INC**

SOAH DOCKET NUMBER: **582-06-0425**

REFERRING AGENCY CASE: **2005-1516-UCR**

**STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

ADMINISTRATIVE LAW JUDGE

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REPRESENTATIVE / ADDRESS

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xc. Docket Clerk, State Office of Administrative Hearings

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REGARDING.

ORDER NO. 5 - DENYING MOTION TO COMPEL

DOCKET NUMBER:

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582-06-0425

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