



Control Number: 44212



Item Number: 19

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

RECEIVED

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SOAH DOCKET NO. 582-06-1640

TCEQ DOCKET NO. 2006-0125-UCR PUBLIC UTILITY COMMISSION
FILING CLERK

APPLICATIONS OF THE CITY OF
OVILLA TO AMEND A WATER
CERTIFICATE OF CONVENIENCE
AND NECESSITY, OBTAIN A SEWER
CERTIFICATE OF CONVENIENCE
AND NECESSITY, AND DECERTIFY
PORTIONS OF THE CERTIFICATES
OF CONVENIENCE AND NECESSITY
OF THE CITY OF GLENN HEIGHTS,
IN DALLAS AND ELLIS COUNTIES,
TEXAS

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BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

ORDER NO. 1

This Order confirms actions taken at the preliminary hearing in the above-captioned matter, held on May 31, 2006, in Austin, Texas.

JURISDICTION

Based upon documents placed in the record at the preliminary hearing, which demonstrated adequate public notice of this action and of the scheduling of the preliminary hearing, the Administrative Law Judge ("ALJ") concluded that jurisdiction over this matter on the part of the Texas Commission on Environmental Quality ("TCEQ") and the State Office of Administrative Hearings ("SOAH") had been formally confirmed.

PARTIES

The following are designated as parties to this proceeding:

- * The Applicant, the City of Ovilla.
- * The City of Glenn Heights.
- * The Executive Director of the TCEQ.
- * The Public Interest Counsel of the TCEQ.

GRANTING ABATEMENT

The parties agreed to a 45-day abatement of the proceeding in order to allow them to examine the issues involved in the case and the possible resolution of the dispute. The ALJ concludes that such abatement is appropriate.

STATUS REPORT

The Applicant is requested to submit a brief written status report by **July 17, 2006**, describing the state of consultations among the parties and including, if appropriate, a procedural schedule leading to a reasonably expeditious evidentiary hearing. The schedule should reflect the agreement of all parties. If agreement cannot be reached, all parties may submit separate scheduling proposals (and status reports, if desired) by the July 17 deadline.

DISCOVERY

Discovery in this matter will be conducted in accordance with the Texas Rules of Civil Procedure--and specifically in accordance with TRCP 190.4 ("Level 3 discovery"), pursuant to this order and to subsequent orders issued by the ALJ in this proceeding. Discovery in this matter shall be compellable.

Parties should NOT file with the ALJ any discovery requests, responses to discovery requests, or similar discovery documents directed primarily to other parties, unless their submission becomes necessary to enable the ALJ to rule upon a discovery dispute.

Discovery Disputes. The parties are expected to attempt in good faith to resolve discovery disputes between themselves; however, significant disputes which cannot be resolved should be brought to the judge's attention--in the form of a written motion copied to all parties--as they occur.

Any request for relief should include a copy of any discovery correspondence necessary for an informed ruling on the dispute.

While the parties are encouraged to negotiate discovery disputes, they are on notice that they are responsible for completing discovery within the overall scheduling framework for this proceeding. Parties may not avoid substantive deadlines and should not expect continuances if they have waited too long to bring unresolved problems or outstanding discovery requests to the ALJ's attention and have therefore failed to obtain discovery needed for the timely completion of preparations prior to hearing.

CONFERRING PRIOR TO SEEKING RELIEF

The parties are directed to confer and attempt in good faith to negotiate an agreed resolution to all procedural and discovery disputes prior to seeking relief from the judge. Any party seeking relief shall certify that this attempt has been made.

APPLICABLE RULES

This hearing will be conducted in accordance with the relevant TCEQ procedural rules (primarily 30 TAC Chap. 80) and other pertinent TCEQ and SOAH rules in effect on the date of the preliminary hearing (May 31, 2006).

MOTIONS: DELIVERY AND RESPONSES

Any motion filed in this proceeding shall be actually delivered to other parties the same day it is delivered to the ALJ. Motions (and other correspondence) may be delivered initially via FAX, followed by hard copy. Unless otherwise provided, parties may respond to any motion within five

calendar days after receipt of such motion. Rulings will be based on the written pleadings unless the ALJ determines that a prehearing conference is necessary.

TELEPHONE CONFERENCES

If a party desires a telephone conference for any purpose, that party is responsible for arranging a time for the conference call and for setting up the call. The party must ascertain that the ALJ is available. If the assigned ALJ is unavailable on a given day and a ruling is needed immediately, the parties must consult the director of SOAH's Natural Resource Division, who will make provision for this contingency.

MAILING LIST

When submitting to the ALJ any pleading or correspondence relating to this matter, the sender must submit the original of the document to the Docket Clerk of the TCEQ, whose address is noted on the attached mailing list. One copy should be provided to the ALJ and one copy to each other person on the mailing list—except that, by agreement, a party need not provide a copy to another party with which it is aligned.

GENERAL PROCEDURE


Unless a party clearly requests and justifies oral argument in its filings, rulings on all motions or matters that may arise will be made on the basis of the written pleadings.

Any document or matter ordered "due" by a certain date or time must be delivered to the receiving parties by such deadline. Unless otherwise noted, the delivery deadline on any prescribed date is 5 p.m. For purposes of calculating deadlines on responses and replies, the ALJ assumes that anything he receives is also received by the other parties on the same day.

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 June 1, 2006.



MIKE ROGAN
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS

STATE OFFICE OF ADMINISTRATIVE HEARINGS

WILLIAM P. CLEMENTS BUILDING, Jr.

300 West Fifteenth Street

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Phone (512) 475-4993

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SERVICE LIST

AGENCY: Environmental Quality, Texas Commission on (TCEQ)

STYLE/CASE: CITY OF OVILLA

SOAH DOCKET NUMBER: 582-06-1640

REFERRING AGENCY CASE: 2006-0125-UCR

**STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

**ADMINISTRATIVE LAW JUDGE
ALJ MIKE ROGAN**

REPRESENTATIVE / ADDRESS

PARTIES

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CITY OF GLENN HEIGHTS

ROBERT PRESSLEY
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CITY OF OVILLA

xc: Docket Clerk, State Office of Administrative Hearings

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06/01/2006

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ORDER NO. 1

DATE:

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DOCKET NUMBER:

582-06-1640

FROM:

JUDGE MIKE ROGAN

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*** MULTI TX/RX REPORT ***

TX/RX NO 2132
PGS. 8
TX/RX INCOMPLETE (1) 99726248222
TRANSACTION OK -----
ERROR INFORMATION (2) 99636319

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TX/RX NO 2131
PGS. 8
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TRANSACTION OK
(2) 92500749
(4) 92390606
(5) 92396377
(6) 92393311

ERROR INFORMATION
(1) 99726248222
(3) 99636319

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TX/RX NO 2133
RECIPIENT ADDRESS 97032785
DESTINATION ID
ST. TIME 06/01 13:31
TIME USE 00'54
PAGES SENT 8
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