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SOAH DOCKET NO. 473-15-2740
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PUBLIC UTILITY COMMISSION
STATE OFFICE
FILING CLERK

APPEAL OF CENTERPOINT ENERGY
HOUSTON ELECTRIC, LLC FROM AN
ORDINANCE OF THE CITY OF
PEARLAND

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BEFORE THE STATE OFFICE
OF
ADMINISTRATIVE HEARINGS

SOAH ORDER NO. 1
NOTICE OF PREHEARING CONFERENCE

I. BACKGROUND

On February 10, 2015, Centerpoint Energy Houston Electric, LLC (Centerpoint) filed an Appeal with the Public Utility Commission of Texas (Commission or PUC) from an Ordinance of the City of Pearland, Texas (City), and, in the alternative, Application for Declaratory Order (Appeal). Centerpoint is the certificated transmission and distribution utility for the City of Pearland. In the Appeal, Centerpoint contests the City's ordinance that requires all utility service lines to be placed underground. Centerpoint contends that the City should be prohibited from enforcing the ordinance or be required to compensate Centerpoint for any additional costs sustained as a result of the ordinance.

Centerpoint asserts that the Commission has jurisdiction over the parties and subject matter of the Appeal under Public Utility Regulatory Act (PURA) §§ 11.002, 11.003(13), 11.003(19), 14.051, 31.002(15), 32.001(b), and 36.004.

On March 10, 2015, the Commission referred this matter to the State Office of Administrative Hearings (SOAH), requesting the assignment of an Administrative Law Judge (ALJ) to conduct a hearing and issue a proposal for decision, if necessary. The Commission will consider and possibly adopt a preliminary order at the Commission's open meeting scheduled to convene on April 15, 2015.



II. NOTICE OF INITIAL PREHEARING CONFERENCE

An initial prehearing conference will be held at **10 a.m., April 3, 2015, at the State Office of Administrative Hearings, 300 West 15th Street, 4th Floor, Austin, Texas.** The following matters will be discussed:

1. Any pending motion filed by 3:00 p.m. on April 2, 2015, and emailed or hand-delivered to the ALJ.
2. A procedural schedule, including a date for the hearing.
3. Any deadlines that apply to this matter.
4. Any other matters that may assist in the disposition of this case in a fair and efficient manner.

Those attending the prehearing are advised that they must check in with building security personnel in the lobby of the William P. Clements Building and be issued visitor badges before proceeding to the hearing room. The parties should allow sufficient time for the check-in procedure.

III. DISCOVERY

A. General Procedures

Discovery may begin immediately pursuant to Subchapter H of the Commission's Procedural Rules.

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 attached sworn affidavits, and materials, if any, provided for in camera inspection, unless a prehearing conference is deemed necessary.

Service of discovery requests and responses shall be governed by P.U.C. Proc. R. 22.144(b) except as set forth in this order.

Material that is the subject of a successful motion to compel will be supplied within three working days of receipt of the order granting the motion to compel or such other date that the ALJ orders.

B. In Camera Review

When a party seeks *in camera* review of documents in accordance with P.U.C. Proc. R. 22.144(g), it will submit the documents to the ALJ at SOAH. Documents submitted for review should *not be filed with the Commission filing clerk*. If they are filed with the Commission filing clerk, even inadvertently, the documents may not be physically removed from the Commission. Further, any claim to privilege or exemption may be waived by the filing.

At the time the documents are submitted for *in camera* review, the objecting party will file affidavits that list the facts necessary to support the explanation and the privilege or exemption that is claimed. The affidavits will be public documents and will be filed with the Commission filing clerk and served upon the propounding party.

RFI answers submitted for *in camera* review will be grouped and separated from other answers by envelope, folder, box, or other appropriate containers; materials that constitute a response to more than one RFI will be clearly cross-referenced. RFI answers submitted for *in camera* review will not be accessible to the other parties unless the ALJ orders otherwise.

C. Depositions

Depositions may be taken pursuant to P.U.C. Proc. R. 22.143 at a time and place agreed upon by the parties. Depositions taken pursuant to agreement of the parties will be admissible at hearing as if a commission had been issued. Introduction of depositions at the hearing, other

than during cross-examination or redirect examination, will be governed by the deadlines for pre-filing of evidence established in a future order.

SIGNED March 19, 2015.



TRAVIS VICKERY
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS