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SOAH DOCKET NO. 473-16-0193.WS
PUC DOCKET NO. 44541

**APPLICATION OF CITY OF HEATH TO §
AMEND A CERTIFICATE OF §
CONVENIENCE AND NECESSITY AND §
TO DECERTIFY A PORTION OF §
FORNEY LAKE WATER SUPPLY §
CORPORATION'S SERVICE AREA IN §
ROCKWALL COUNTY**

BEFORE THE STATE OFFICE

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OF FILING CLERK

ADMINISTRATIVE HEARINGS

SOAH ORDER NO. 2
REGARDING PREHEARING CONFERENCE
AND PARTIES' AGREEMENT

A prehearing conference for this case was held on November 4, 2015, at the State Office of Administrative Hearings, 300 W. 15th Street, Austin, Texas, before Administrative Law Judge (ALJ) Sarah G. Ramos. Jim Mathews represented the City of Heath (City); Arturo D. Rodrigues, Jr., represented Forney Lake Water Supply Corporation (FLWSC); and A. J. Smullen represented the Staff of the Public Utility Commission.

During the prehearing conference, the City and FLWSC addressed the City's pending Motion for Sanctions. FLWSC admitted that certain answers to the City's discovery requests have not been provided. In addition, the City argued that some answers FLWSC had provided were inadequate to enable the City to prepare for the hearing.

The prehearing conference was recessed, so that the parties could discuss pending issues. Thereafter, the prehearing conference resumed, and the parties represented that they had agreed on the following:

1. The ALJ will take the City's Motion for Sanctions under advisement (i.e., delay ruling).
2. FLWSC will respond by December 1, 2015, fully and completely to the City's First and Second RFIs and PUC Order No. 5 Ruling on the Motion to Compel.
3. The ALJ will find that the City's application is administratively complete, as it has sufficiently alleged that no property of FLWSC is rendered useless or valueless as a result of the City obtaining single certification. However, this finding is not conclusive of whether the property of FLWSC will be rendered useless or valueless as a result of the City obtaining single certification.

4. For good cause shown by the parties, the parties waived the 90-day requirement of rule of 16 Texas Administrative Code § 24.120(h).¹
5. The City may re-urge its motion for sanctions on or before December 15, 2015.
6. The parties may submit a proposed procedural schedule within ten business days after a ruling on the Motion for Sanctions, if re-urged; or January 8, 2016, if the Motion For Sanctions is not re-urged.

The ALJ orders to parties to comply with their agreement.

SIGNED November 6, 2015.



SARAH G. RAMOS
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS

¹ The rule states, "(h) The total compensation to be paid to a retail public utility under subsections (g) and (m) of this section must be determined not later than the 90th calendar day after the date on which the commission determines that the municipality's application is administratively complete."