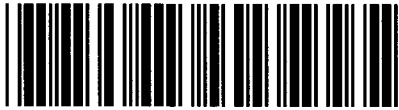




Control Number: 45207



Item Number: 18

Addendum StartPage: 0

SOAH Docket No. 473-16-1108.WS  
PUC Docket No. 45207

COMPLAINT of J HINKEN

Before the State Office of

Vs

Of

BASTROP WEST WATER &  
PAUL KLAUS

ADMINISTRATIVE HEARINGS

RECEIVED  
2016 MAR -7 AM 9:08  
PUBLIC UTILITY COMMISSION  
FILING CLERK

**MOTION TO AMEND PROCEDURAL SCHEDULE**

TO THE HONORABLE ADMINISTRATIVE LAW JUDGE:

COMES NOW J Hinken and files this Motion to Amend the Procedural Schedule and to support this motion shows the following:

**Lack of Notice**

**To date, J Hinken has not recieved a copy of Order No 2 or the Commision Staff's Settltlement Conference by mail or electronic means.**

**(Note: I do not have internet service)**

According to the Commission's procedural Rule 22.101, the Commission's rules require a party, at or before the time any document or pleading regarding a proceeding is submitted to a presiding officer, to file a copy of such document or pleading with the Commision filing clerk and serve that document on all parties\*. 16 Texas Administrative Code 22.54 requires the Commision to provide notice in accordance with APA in addition to any other notice required by law. SOAH's procedural rules require a party, on the same date a document is files, to serve that document on each party or the party's authorized representative by hand-delivery, by regular, certified or registered mail; by electronic mail, upon agreement of the parties; or by facsimile transmission\*\*. Both SOAH's rule and Commision Rule 2274(d) require a certificate of service that indicates the method of service.

SOAH's Rule 155.155(b) states an Administrative Law Judge's ruling that is not made orally at a recorded prehearing conference or hearing shall be in writing and issued to all parties of record.

I did not receive a copy of attorney Deea Western's November 30, 2015 notice. Nor was I given any of her contact information at the January 5th Prehearing Conference.

Unfortunately, Order No. 2 was not served on Ms Hinken. Similarly, the Commission Staff's Settlement Conference Information, dated January 19, 2016 was not served on Ms Hinken. I did not discover either document had been filed in this matter until yesterday, March 2, 2016.

To date, the only mail that the Complainant has received is the original information packet for filing a formal complaint. The only email that the Complainant has received was BWW's response, which they claimed to email on 10/21/15. Instead it was sent on 10/25. Exhibit 1

#### Burden of Proof

It seems that the burden is excessively on the Complainant where her list of issues was disqualified, when although submitted in a timely manner, was insufficient in number of copies, due to lack of income. Yet, BWW response, was neither timely nor accurate regarding notice to the opposing party.

It also seems that the burden is excessively on the Complainant when she is not provided with contact information for BWW attorney with which to file discovery documents—Interrogatories, Requests for Documents & Requests to Admit.

In regards to the Commissions Rule 24.12., where the burden of proof is on the moving party, I respectfully request to know how does one provide proof on a non-existent repair on non-existent damage.

Since BWW was the one who initiated their alleged charges, it is mandatory for them to prove 1) actual damage and 2) actual repair & 3) alleged costs are in fact those paid to to repair the damage.

The amendments proposed by BWW DO cause hardship, both by failing to provide contact information to allow me to obtain discovery materials prior to providing evidence and also by requiring me to provide 'evidence or proof' of a non-existent event.

I propose the following amendments to the schedule:

BWW's direct testimony due	April 7, 2016
Complainant's direct testimony due	May 6, 2016
Staff's direct testimony due	June 6, 2016
Rebuttal testimony for all parties due	July 6, 2016
Discovery period ends	July 17, 2016
Objections to direct & rebuttal testimony	August 1, 2016

### **Relief Requested**

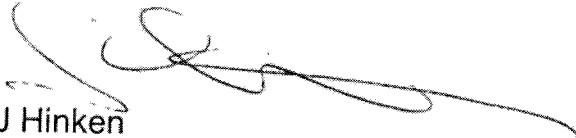
J Hinken respectfully requests that the Administrative Law Judge find that the burden of proving the reality of the damages, the reality of the repair and the reality of the charges with the defendant, BWW. J Hinken also respectfully requests that the Judge amend the procedural schedule and hearing dates as requested.








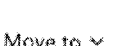
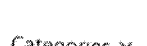





J Hinken  
[real0est@hotmail.com](mailto:real0est@hotmail.com)

### Certificate of Service

I certify that a copy of **J Hinken's Motion to Amend the Procedural Schedule** was served on the Defendant by email, and the Commission's attorney by email on March 3, 2016.

I also certify that I did not receive any notification of **BWW's Motion to Amend the Procedural Schedule** on February 3, 2016 or any time thereafter.

  
J Hinken

## PUC Response



paul klaus

To: real0est@hotmail.com

Repl

Sun 10/25/2015

Hinken formal complain  
1 MB

Hinken formal complain.  
1 MB

[Attachments \(2 MB\)](#)
[Download all](#)
[Save all to OneDrive](#)
[Personal](#)

Ms. Hinken,

Attached you will find our response to your complaint

Paul & Karen Klaus  
Bastrop West Water

>>