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**SOAH DOCKET NO. 473-16-1108.WS
PUC DOCKET NO. 45207**

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**COMPLAINT OF J. HINKEN AGAINST
BASTROP WEST WATER AND PAUL
KLAUS**

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**BEFORE THE STATE OFFICE
OF
ADMINISTRATIVE HEARINGS**

**COMMISSION STAFF'S RESPONSE TO J. HINKEN'S MOTION TO AMEND
PROCEDURAL SCHEDULE**

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest and files this Commission Staff's Response to J. Hinken's Motion to Amend Procedural Schedule. In support thereof, Staff shows the following:

I. BACKGROUND

On September 30, 2015, J. Hinken (Complainant) filed a complaint against Bastrop West Water and its owner, Paul Klaus (BWW) pursuant to Texas Admin. Code § 22.242 (TAC). On November 9, 2015, the Commission referred this case to the State Office of Administrative Hearings (SOAH). On January 11, 2016, SOAH Order No. 2 set the deadline for BWW to file direct testimony as February 8, 2016 and the deadline for Complainant to file direct testimony as March 7, 2016.

On February 3, 2016, BWW filed a motion to amend the procedural schedule, arguing that Complainant bears the burden of proof and therefore should file testimony before BWW. This motion requested March 7, 2017 as the deadline for Complainant's direct testimony and April 7, 2016 as the deadline for BWW's direct testimony. No party filed a response to that motion, and on February 19, 2016 SOAH Order No. 3 granted the motion. On March 7, 2016, Complainant filed a motion to amend the procedural schedule and emailed a copy of that motion to Commission Staff on March 3, 2016. This response is therefore timely filed.

II. NOTICE

Staff has amended its service list to provide for electronic notice to both parties. Staff is unopposed to granting Complainant additional time to file its direct testimony subject to the agreement of the parties.

III. BURDEN OF PROOF

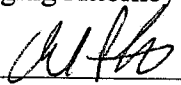
In accordance with 16 TAC § 24.12, it is clear that the burden of proof in this case is with the Complainant and therefore Complainant's direct testimony is due before BWV's.

Dated March 9, 2016

Respectfully Submitted,

Margaret Uhlig Pemberton
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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on March 9, 2016, in accordance with 16 TAC § 22.74.



Alexander Petak