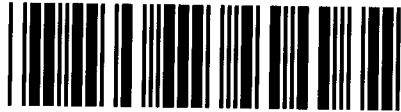


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**SOAH DOCKET NO. 473-16-1108
PUC DOCKET NO. 45207**

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

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§

**BEFORE THE STATE OFFICE
PUBLIC UTILITY COMMISSION
FILING CLERK
OF
ADMINISTRATIVE HEARINGS**

**SOAH ORDER NO. 1
FILING DESCRIPTION, NOTICE OF
PREHEARING CONFERENCE, AND PROCEDURES**

I. FILING DESCRIPTION

On September 30, 2015, J. Hinken (Complainant) filed a formal complaint against Bastrop West Water (BWW) and Paul Klaus complaining, among other things, that she did not agree to pay for one-half of the fee to set a new meter on neighboring property for which BWW has billed her. Complainant also complains that BWW billed her for fees associated with damage, from a separate incident, to BWW's water line, which Complainant argues did not occur, or alternatively, for which she is not responsible.

On November 9, 2015, the Public Utility Commission of Texas (Commission or PUC) referred this case 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 (PFD), if necessary. SOAH has jurisdiction over matters relating to the conduct of the hearing in these proceedings pursuant to Texas Government Code § 2003.049. In its referral order, the Commission set a November 30, 2015 deadline for the parties to file a list of issues to be addressed in this proceeding. The Commission will consider and possibly adopt a preliminary order in this docket in its open meeting currently scheduled to convene on December 17, 2015.

II. NOTICE OF PREHEARING CONFERENCE

The undersigned ALJ will convene a **prehearing conference at 10:00 a.m. on Tuesday, January 5, 2016**, at the State Office of Administrative Hearings, William P. Clements State Office Building, 300 West 15th Street, Fourth Floor, Austin, Texas. The parties may participate in the prehearing conference by telephone or in person. Those attending the prehearing conference in person 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.

If a person wants to participate in the prehearing conference by telephone, he or she must contact the ALJ's administrative assistant, Michael Martinez, by **3:00 p.m. on January 4, 2016**, and give him the telephone number where the party can be reached for the prehearing conference. The parties may email this information to michael.martinez@soah.texas.gov or call (512) 475-4993.

At the prehearing conference, the following matters will be discussed:

1. Pending motions filed by **3:00 p.m. on January 4, 2016**, and hand-delivered or sent via email to the ALJ on that day (the parties may use Mr. Martinez's email address);
2. A procedural schedule;
3. Whether the parties wish to mediate the dispute; and
4. Any other matters that may assist in the disposition of this case in a fair and efficient manner.

The parties may confer prior to the prehearing conference regarding the procedural schedule that will apply in this case. Any proposed procedural schedule must include, at a minimum, deadlines for discovery and prefiled testimony, and three alternative dates during three different weeks for the hearing on the merits.

III. PROCEDURES

A. Filing Procedures

Parties are expected to know how to file documents. The rules setting out how to file documents are found in Subchapter E of the Commission's procedural rules, which are available for viewing and downloading from the Commission's website at www.puc.state.tx.us.¹ Pleadings and other documents shall be deemed filed when the proper number of legible copies is presented to the PUC filing clerk for filing. **All pleadings must contain both the SOAH and PUC docket numbers to allow for efficient processing.**

All pleadings shall be filed with the Commission's filing clerk, not with the SOAH filing clerk. The Commission's filing clerk will forward a copy of the pleadings to SOAH. Parties wishing to hand-deliver a file-stamped copy of a pleading to the ALJ should deliver it to Room 504, 5th Floor, Clements Building, 300 W. 15th St., Austin, Texas.

B. Service Procedures

A copy of any document filed with the Commission must also be served on (given to) all parties. A copy of the service list, listing all parties, is attached to this order for the parties' convenience. All parties shall provide their current telephone and facsimile number, if available, and email address, if available, to all other parties. Parties must contact Mr. Martinez as soon as possible to correct any errors in the attached service list.

All mail sent to the parties by the ALJ will be sent by first class mail or by fax. However, SOAH has implemented service by email for proposals for decision, orders, and other case-

¹ For those parties who may not be familiar with the Commission's processes, all PUC filings are available for viewing and downloading from the Commission's website at <http://www.puc.texas.gov>. Once there, click on "Filings," then click on "Filings Search," then click on "Filings Search," again. Then type in the control number, "44905," and click on "Search." A list of documents filed in this docket will appear and you may access those documents by clicking on the document number.

related documents and communications in general docket cases. If you would like to receive service by email from SOAH, please go to SOAH's website, www.soah.state.tx.us, for information and the form to request email service. Click on the "Request Service by Email" link in the Notices box.

C. Motions

Motions for continuance shall be governed by P.U.C. Proc. R. 22.79. If a continuance or extension of time is sought, the motion shall propose a new date or dates and shall indicate whether the other parties agree to the new date or dates. Because the ALJ or a hearing room may not be available on a given day, a proposed range of dates would be preferable. The ALJ will not contact parties to ascertain their position or to negotiate dates. In the absence of a ruling by the ALJ, a contested motion for continuance or extension is not granted and the existing schedule remains in place.

Unless otherwise specified in the applicable procedural rules, responses to any motion or other pleading shall be filed within **five working days** from receipt of the motion or pleading. The response shall state the date of receipt of the motion or pleading to which a response is made. If a party does not respond to a motion, the ALJ will assume that the party agrees with the motion or does not oppose the requested relief.


D. Other Procedural Matters

Any matters not addressed by this order shall be governed by the procedural rules of the Commission, which are available for viewing and downloading from the Commission's website at www.puc.state.tx.us.

Discovery may begin immediately pursuant to Subchapter H of the Commission's procedural rules.

The parties may contact Mr. Martinez if they have any questions regarding the procedures to be followed in this case. Complainant may also contact the Staff attorney in this case if she has questions about the process, with the understanding that Staff cannot give legal advice and will take a position in this case that may not be the same as Complainant's.

SIGNED November 19, 2015.



STEPHANIE FRAZEE
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS