



Control Number: 45248



Item Number: 31

Addendum StartPage: 0

SOAH DOCKET NO. 473-16-2099.WS
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PUBLIC UTILITY COMMISSION
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RATEPAYERS' APPEAL OF THE
DECISION BY THE CITY OF FRITCH
TO CHANGE RATES

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BEFORE THE STATE OFFICE
OF
ADMINISTRATIVE HEARINGS

SOAH ORDER NO. 3
MEMORIALIZING PREHEARING CONFERENCE; ADOPTING PROCEDURAL
SCHEDULE; NOTICE OF HEARING ON THE MERITS

On March 16, 2016, a prehearing conference convened. The City of Fritch (City), Staff of the Public Utility Commission of Texas (Commission), Darla Harriman, and D. J. Tindall appeared either in person or by telephone.

I. CONFIRMATION OF INTERVENOR STATUS

The Administrative Law Judge noted that Ms. Harriman had been formally granted intervenor status by the Commission presiding officer and that Mr. Tindall, as the party who initiated this proceeding, also qualifies as an intervenor. No party objected and, therefore, both Ms. Harriman and Mr. Tindall are intervenors.

II. ADOPTION OF PROCEDURAL SCHEDULE

The parties agreed that the following procedural schedule shall govern this proceeding:

Date	Event
12/18/15	Petition Filed
1/15/16	Petition Deemed Administratively Complete
3/3/16	Commission Adopts Preliminary Order
4/6/16	Deadline to Intervene
5/16/16	City Files Direct Case
6/8/16	Intervenor Direct Testimony Due; Discovery Begins on Such Testimony
7/8/16	Deadline for Discovery on City's Direct Case
7/8/16	Staff Direct Testimony Due; Discovery Begins on Staff's Direct Testimony

31

Date	Event
7/15/16	Objections to City, Intervenor, and Staff's Direct Testimony
7/22/16	Replies to Objections to City, Intervenor, and Staff's Direct Testimony
7/25/16	Deadline for Discovery on Intervenor and Staff Direct Testimony
7/29/16	City's Rebuttal Testimony Due
8/5/16	Deadline for Discovery on City's Rebuttal Testimony
8/5/16	Objections to City's Rebuttal Testimony Due
8/12/16	Prehearing Conference (Oral Replies to Objections to City Rebuttal Testimony to be Presented at Prehearing Conference)
8/15-16/16	Hearing on the Merits

III. DISCOVERY

A. General Procedures

Discovery may begin immediately pursuant to Subchapter H of the Commission's Procedural Rules except as provided below:

- Due date for responses to discovery on Intervenor and Staff direct testimony and City rebuttal testimony is five business days from receipt of the discovery.
- Due date for objections regarding discovery on Intervenor and Staff direct testimony and City rebuttal testimony is five days from receipt of the discovery request.
- Due date for motions to compel regarding discovery on Intervenor and Staff direct testimony and City rebuttal testimony is three days from receipt of the objection.
- Due date for replies to motions to compel regarding discovery on Intervenor and Staff direct testimony and City rebuttal testimony is three days from receipt of the motion to compel.

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

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 16 Texas Administrative Code (TAC) § 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.

IV. FILING AND SERVICE PROCEDURES

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 are directed not to send a courtesy copy of any pleadings to the ALJ unless it is emailed as either a pdf file or in Microsoft Word. Do not send hard copies. Emails may be sent to the ALJ's administrative assistant Erin Hurley at erin.hurley@soah.texas.gov. The parties may also contact Ms. Hurley at 512-475-3419.

The procedures regarding filing specified in Subchapter E of the Commission's procedural rules apply in this proceeding. Parties are expected to know the filing procedures and comply with them fully. Pleadings and other filings shall be deemed filed when the proper number of legible copies is presented to the Commission filing clerk for filing. 16 TAC § 22.71(c).

All mail sent to the parties by the ALJ will be sent by email, first class mail, or by fax, unless a party requests express mailing and provides an express mail account number.

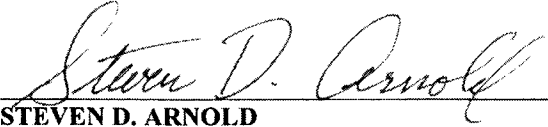
V NOTICE OF PREHEARING CONFERENCE

A prehearing conference will convene at **10:00 a.m. on August 12, 2016**, at the SOAH hearing rooms located at the William P. Clements Office Building, 300 West 15th, Fourth Floor, Austin, Texas, to discuss matters necessary to the efficient processing of this docket and any motions filed by 3:00 p.m. on August 11, 2016, and will continue until concluded.

VI. NOTICE OF HEARING ON THE MERITS

The hearing on the merits in this matter will convene at **9:00 a.m. on August 15, 2016**, at the SOAH hearing rooms located at the William P. Clements Office Building, 300 West 15th, Fourth Floor, Austin, Texas, and will continue until concluded.

SIGNED March 21, 2016.



STEVEN D. ARNOLD
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS