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State Office of Administrative Hearings



Lesli G. Ginn
Chief Administrative Law Judge

June 24, 2016

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PUBLIC UTILITY COMMISSION
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VIA FAX AND E-MAIL

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VIA FAX AND E-MAIL

Barbara Horn
Bill Hardy
Chairman, Rate Payers' Committee
7255 County Road 124
San Saba, Texas 76877
325.372.4676 (PH)

VIA REGULAR MAIL

Re: Mediation, SOAH Docket No. 473-16-1834.WS; *Ratepayers' Appeal of the Decision by North San Saba Water Supply Corporation to Change Rates*

Dear Counsel, Ms. Horn, and Mr. Hardy:

This case has been referred to mediation, and Judge Lilo Pomerleau and I have been assigned as the co-mediators. Your confidence in our ability to serve as impartial

300 W 15th Street, Suite 504, Austin, Texas 78701 / P.O. Box 13025, Austin, Texas 78711-3025
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mediators is important to the process.¹ If you have any concerns, please contact Judge Hunter Burkhalter, the ADR Assistant Team Leader, immediately. His direct telephone number is (512) 936-0704.

This letter will confirm that the mediation will convene at **9:00 a.m. on Friday July 8, 2016**, in the fourth floor hearing rooms of the State Office of Administrative Hearings, located in the William P. Clements Building, 300 West 15th Street, Austin, Texas. By agreement, Ms. Horn and Mr. Hardy will appear by telephone.

A description of mediation at SOAH is available on SOAH's website at http://www.soah.texas.gov/about-us/mediations/mediation_info.asp.

If you need to contact me, you can reach me via my direct telephone number 512.936.0701, or by e-mail at howard.seitzman@soah.texas.gov. Judge Pomerleau may be reached at 512.936.0720 or at lilo.pomerleau@soah.texas.gov.

If we have not already done so, we will be speaking with you prior to the mediation. You may submit pre-mediation information to us by e-mail. *If you choose to mail or fax pre-mediation documents, please carefully follow the instructions attached to this letter for submitting confidential mediation information to SOAH.*

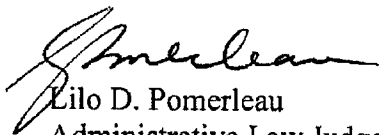
We wish you success in your efforts to reach common ground. If you have any questions, please feel free to call either of us.

Sincerely,



Howard S. Seitzman
Administrative Law Judge/Mediator

Sincerely,



Lilo D. Pomerleau
Administrative Law Judge/Mediator

HSS:vg

Enclosures

cc ALJ Hunter Burkhalter, ADR Assistant Team Leader

¹ Biographies are available upon request.

ADDITIONAL SOAH MEDIATION INFORMATION

1. The following information should be included in each party's CONFIDENTIAL written pre-mediation submission. *Submissions not clearly marked CONFIDENTIAL may be posted on SOAH's website. Therefore, it is important that you follow the instructions below carefully.*

- a. A short description of the dispute.
- b. Any documents you would like the mediators to review before the mediation.
- c. A list of facts agreed to by all participants.
- d. A list of facts in dispute.
- e. A list of disputed legal issues, if any. Include copies of any supporting legal authority if pertinent to the mediation. Please highlight passages that are significant for your position.
- f. A list of persons who will attend the mediation and their relationship to the dispute. (Generally, mediations at SOAH involve only the persons directly involved in the dispute and their lead counsel. If you anticipate that someone else will attend, please let the mediators know as soon as possible, so that the mediators may consider whether there will be an appropriate balance of representatives for each party.)
- g. The names and titles of all persons who must approve any agreement and your plans to obtain that approval if an agreement is reached.²
- h. A summary of any settlement offers made or rejected.
- i. A description of what you *need* to be able to resolve this dispute.
- j. A description of what you think the other side *needs* in order to be able to resolve this dispute.
- k. Any other information you believe the mediators should have before the mediation.
- l. **Several dates and times between the date of the written submission and the mediation when you will be available for a confidential telephone caucus with the mediators.**

IMPORTANT: BECAUSE THIS MATERIAL IS SUBMITTED IN THE CONTEXT OF MEDIATION, IT SHOULD BE CLEARLY MARKED AS **CONFIDENTIAL**. PLEASE FAX YOUR PRE-MEDIATION STATEMENT **DIRECTLY** TO THE MEDIATORS AT 512-936-0730. DO NOT SUBMIT IT TO THE PRESIDING ADMINISTRATIVE LAW JUDGE. IF THE STATEMENT IS DELIVERED TO SOAH'S DOCKETING OFFICE, IT SHOULD BE ENCLOSED IN A SEALED ENVELOPE CLEARLY MARKED **CONFIDENTIAL MEDIATION INFORMATION**, AND THE DOCKET NUMBER AND THE MEDIATORS' NAMES SHOULD BE CLEARLY DISPLAYED ON THE ENVELOPE.

² Successful mediations require creativity and flexibility from all participants. In our experience, mediations are most productive when party representatives who hold the ultimate settlement authority attend and participate in the mediation.

2. Ex Parte Communications

A mediator, unlike a judge in a contested case or a lawsuit, is not subject to *ex parte* prohibitions and may communicate with each participant individually. It is up to you whether you share your pre-mediation submission with opposing counsel. Please identify any information you are sharing.

3. Parking

Parking in this area is difficult. Parking is available for a fee at the Bob Bullock Museum, located at 1800 Congress, and the Capitol Visitors' Parking Garage, located at 1201 San Jacinto, several blocks away from the SOAH hearings facility. There is also a for-fee parking garage in the Moody Bank Building at the corner of Guadalupe and 15th Street.

4. Mediation Time

The mediation may last until 5:00 p.m. or later. The parties should be prepared to continue into the evening, if necessary.

STATE OFFICE OF ADMINISTRATIVE HEARINGS

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SERVICE LIST

AGENCY: **Public Utility Commission of Texas (PUC)**
STYLE/CASE: **NORTH SAN SABA WATER SUPPLY CORPORATION TO
CHANGE RATES**
SOAH DOCKET NUMBER: **473-16-1834.WS**
REFERRING AGENCY CASE: **45283**

**STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

ADMINISTRATIVE LAW JUDGE
ALJ HOWARD S. SEITZMAN

REPRESENTATIVE / ADDRESS

PARTIES

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RATE PAYERS' COMMITTEE
