



Control Number: 45570



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SOAH DOCKET NO. 473-16-2873.WS
PUC DOCKET NO. 45570

RECEIVED

APPLICATION OF MONARCH
UTILITIES I, LP FOR AUTHORITY TO
CHANGE RATES

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§

STATE OFFICE OF

ADMINISTRATIVE HEARINGS

JUL 29 PM 2:27
PUBLIC UTILITY COMMISSION
CLERK

**COMMISSION STAFF'S RESPONSE IN SUPPORT OF KATHY
NIELSEN'S REQUEST FOR ALTERNATIVE TO PHYSICAL PRESENCE
AT SETTLEMENT CONFERENCE SCHEDULE FOR AUGUST 10, 2016**

COMES NOW the Staff ("Staff") of the Public Utility Commission of Texas ("Commission"), representing the public interest, and files this Response.

I. INTRODUCTION

On July 1, 2016, SOAH Order No. 4 was entered, scheduling a mandatory settlement conference in this proceeding on August 10, 2016.¹ The presiding officers have indicated that an Intervenor failing to appear at the settlement conference will be dismissed from this proceeding and will no longer participate in this proceeding unless good cause is shown.²

On July 26, 2016, Intervenor Kathy Nielsen filed a request to be excused from physically appearing at the settlement conference.³ Ms. Nielsen indicates that transportation to Austin for the settlement conference may be burdensome.⁴ As an alternative to physically appearing in Austin, Ms. Nielsen asks whether it would be possible to appear by phone or by computer.⁵ On July 29, 2016, Monarch Utilities I, L.P. ("Monarch") filed a response in opposition to Ms. Nielsen's request.⁶

¹ SOAH Order No. 4 (Jul. 1, 2016).

² SOAH Order No. 2 at 6 (Mar. 31, 2016).

³ Kathy Nielsen's Request for Alternative to Physical Presence at Settlement Conference Scheduled for August 10, 2016 (Jul. 26, 2016).

⁴ *Id.* at 1-2.

⁵ *Id.* at 2.

⁶ Monarch Utilities I, L.P.'s Objection to Kathy Nielsen's Request for Alternative to Physical Presence at Settlement Conference Scheduled for August 10, 2016 (Jul. 29, 2016) ("Monarch Response").

II. RESPONSE IN SUPPORT OF MS. NIELSEN'S REQUEST

Staff supports Ms. Nielsen's request to appear telephonically. In particular, Ms. Nielsen's pleading represents active and responsible participation in this proceeding, which Staff believes the presiding officers' mandatory settlement was designed to encourage. Further, Staff is sensitive to the difficulty experienced by *pro se* parties who participate in complex litigation. As a result, Staff intends to confer with Monarch regarding providing a telephone conference bridge, which would allow Ms. Nielsen to appear by telephone.

Monarch's response suggests that granting Ms. Nielsen's request would place the benefit of a mandatory settlement conference in jeopardy.⁷ Monarch first states that, if Ms. Nielsen is allowed to appear telephonically, then other Intervenor may wish to do so.⁸ However, this slippery-slope argument does not establish why having one—or all—of the Intervenor appear by telephone would be problematic. Monarch further states that allowing Ms. Nielsen to appear telephonically would cause logistical issues, “regarding to the sharing of information and calculations that are discussed and/or created at the settlement conference, . . . taking up valuable time having to determine how best to deliver information to Ms. Nielsen.”⁹ However, Monarch's speculative concerns, grounded in the possibility that *may* wish to more conveniently share information with her, do not warrant requiring Ms. Nielsen to arrange for travel.

Staff has routinely participated telephonically in settlement discussions in rate cases that are larger than the present one, and, indeed, Monarch personnel have participated telephonically in discussions between Monarch and Staff during the abatement of this docket. As a result, Monarch's objections to Ms. Nielsen's request should be rejected.

⁷ *Id.* at 2.

⁸ *Id.*

⁹ *Id.*

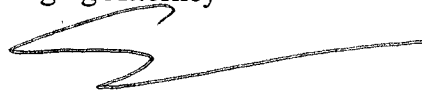
Date: July 29, 2016

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
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CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on July 29, 2016 in accordance with 16 TAC § 22.74.



Sam Chang