



Control Number' 45702



Item Number' 63

Addendum StartPage 0

SOAH DOCKET NO. 473-16-5296.WS
PUC DOCKET NO. 45702

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PUBLIC UTILITY COMMISSION
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APPLICATION OF THE CITY OF § BEFORE THE STATE OFFICE
CIBOLO FOR SINGLE CERTIFICATION §
IN INCORPORATED AREA AND TO §
DECERTIFY PORTIONS OF GREEN § OF
VALLEY SPECIAL UTILITY §
DISTRICT'S SEWER CERTIFICATE OF §
CONVENIENCE AND NECESSITY IN §
GUADALUPE COUNTY § ADMINISTRATIVE HEARINGS

**SOAH ORDER NO. 2
MEMORIALIZING PREHEARING CONFERENCE,
ASSIGNING BURDEN OF PROOF,
SETTING DEADLINE FOR PROPOSED PROCEDURAL SCHEDULE,
AND ADDRESSING NEED FOR COURT REPORTER**

On August 17, 2016, the City of Cibolo (City), Green Valley Special Utility District (Green Valley), and Staff of the Public Utility Commission of Texas attended an initial prehearing conference in this case. At the hearing, the parties stipulated that, based on the Commission's Supplemental Preliminary Order, this matter will be bifurcated. As a result, the first stage of this contested proceeding will only address Issue Nos. 9, 10, and 11 in the Commission's Supplemental Preliminary Order.¹

The parties also provided argument regarding assignment of the burden of proof in this matter. Based on the argument of the parties, 16 Texas Administrative Code § 24.12, and 1 Texas Administrative Code § 155.427, the Administrative Law Judge (ALJ) assigns the burden of proof in both stages of this case to the City, because it is the applicant in this proceeding.

The parties shall file an agreed proposed procedural schedule **no later than September 2, 2016**. The proposed procedural schedule should include hearing dates of **January 17-18, 2017**, as discussed at the prehearing.

¹ Consistent with the Supplemental Preliminary Order, which permits the parties and the ALJ to raise and address any issues relevant in this docket as deemed necessary, the parties may submit stipulations on any matter they consider relevant regardless of the stage of the proceeding. Supplemental Preliminary Order at 5 (July 20, 2016).

The parties estimate that the hearing on the merits will last longer than one day. Under 1 Texas Administrative Code § 155.423(b),² for any proceeding set to last longer than one day, a court reporter is generally required. **The parties shall confirm that a court reporter will be provided at the hearing, in the filing that includes the proposed procedural schedule.**

SIGNED August 19, 2016.



TRAVIS VICKERY
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS

² This SOAH procedural rule is not inconsistent with 16 Texas Administrative Code § 22.204.