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**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. 6
DESCRIBING PROCEDURES RELATING TO MOTIONS,
INCLUDING PENDING MOTION TO COMPEL**

Administrative Law Judge (ALJ) Steven D. Arnold is now co-assigned to this case instead of Judge Travis Vickery.

On December 2, 2016, the City of Cibolo (the City) filed a motion to compel Green Valley Special Utility District (Green Valley) to fully respond to the City's Fourth Requests for Information (RFIs). By rule, the Public Utility Commission of Texas requires that parties negotiate diligently and in good faith concerning any discovery dispute prior to filing an objection and that the objections include a statement that negotiations were conducted diligently and in good faith.¹ In its motion to compel, the City complains that Green Valley filed no objections and did not contact the City to negotiate any objections, then did not fully respond to the RFIs. The ALJs see no indication that the parties have ever negotiated or tried to resolve the disputes addressed in the City's motion to compel.

¹ 16 Tex. Admin. Code § 22.144(d).

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The City and Green Valley **SHALL** negotiate diligently and in good faith concerning the City's pending motion to compel.² Absent both parties' written agreement to a different time frame (which agreement may be by email and need not be filed), the ALJs expect both parties to begin such negotiations no later than one working day after the date of this order and to complete them no later than five working days after the date of this order. The City **SHALL** then file a short statement describing the results of the negotiation efforts and identifying which, if any, disputes remain and require a ruling. The ALJs will not rule on the motion to compel until the City's statement is filed.

Unless expressly stated otherwise, this order does not affect any requirement relating to the discovery dispute, with the following exception. To facilitate their settlement negotiations, the City and Green Valley may agree to extend the deadline for Green Valley to respond to the City's motion to compel by filing a pleading stating the agreed deadline, which shall then apply. Absent such an agreed filing, the deadline to respond to the City's motion to compel is not affected by this order.

The following requirements apply to all future motions to compel (as well as all objections) filed in this docket. Parties **SHALL** negotiate diligently and in good faith concerning any discovery dispute prior to filing an objection or motion to compel. All objections and motions to compel **SHALL** include a statement that negotiations were conducted diligently and in good faith. The ALJs will not rule on a motion to compel that does not comply with those requirements.

The following requirements apply to all motions filed in this docket except motions filed shortly before a prehearing conference or the hearing for consideration at that proceeding. All motions **SHALL** include a certificate of conference that either: (1) certifies that the movant has conferred with every other party (or in the case of motions limited to a discovery dispute, the

² As the City points out, Green Valley did not file, and thus has waived, any objections to the RFIs. 16 Tex. Admin. Code § 22.144. The negotiations will thus focus on why Green Valley believes it fully responded to the RFIs as written and the City believes otherwise.

parties to the discovery dispute) and states their positions on the motion or, if a party's position could not be determined, identifies such parties and efforts made to contact them; or (2) explains that the motion was timely submitted but its urgent nature precludes such efforts to confer.

SIGNED December 6, 2016.



ELIZABETH DREWS
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS



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