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**SOAH DOCKET NO. 473-16-5010.WS  
PUC DOCKET NO. 45781**

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**APPLICATION OF CITY OF PORTLAND §  
TO AMEND ITS CERTIFICATE OF §  
CONVENIENCE AND NECESSITY IN §  
SAN PATRICIO COUNTY §**

**BEFORE THE STATE OFFICE**  
PUBLIC UTILITY COMMISSION  
FILING CLERK

**OF**

**ADMINISTRATIVE HEARINGS**

**SOAH ORDER NO. 1  
JURISDICTION, NOTICE OF PREHEARING CONFERENCE,  
AND GENERAL PROCEDURES**

On March 29, 2016, The City of Portland (Portland) filed with the Public Utility Commission of Texas (Commission) an application to amend its certificate of convenience and necessity (CCN) in San Patricio County, Texas. Portland's current CCN boundaries do not extend to all areas recently annexed, but Portland seeks to provide exclusive utility service to all areas within its city limits, including those areas it has recently annexed. On June 15, 2016, Rincon Water Supply Company intervened, and on June 20, 2016, the City of Gregory intervened. The Commission referred this proceeding to the State Office of Administrative Hearings (SOAH) on July 7, 2016. The Commission has not yet issued its Preliminary Order in this case.

**I. JURISDICTION**

Texas Water Code §§ 13.242-.250 and Texas Administrative Code §§ 291.101-.107 vest jurisdiction over CCN matters in the Commission. Pursuant to chapter 2003 of the Texas Government Code, SOAH has jurisdiction over all matters relating to the conduct of a hearing in this matter.

## II. NOTICE OF PREHEARING CONFERENCE

The Administrative Law Judge (ALJ) will hold a prehearing conference at **10:00 a.m. on Tuesday, August 23, 2016.** The prehearing conference will take place at the **William P. Clements Office Building, 4th Floor, 300 W. 15th Street, Austin, Texas.** The parties are advised that they must be cleared by security personnel on the 1st floor of the Clements Building before they will be permitted access to the 4th floor hearing facilities, and they should allow sufficient time to complete the process. Parties are advised to bring picture identification, such as a driver's license, to show building security.

The ALJ may discuss the following matters at the conference:

- (1) Motions and other preliminary matters related to the proceeding, including notice, discovery, and procedural schedules;
- (2) Settlement of the case, or clarification and simplification of the issues;
- (3) The necessity or desirability of amended pleadings;
- (4) The possibility of obtaining stipulations that would avoid the unnecessary introduction of evidence;
- (5) Evidentiary matters;
- (6) The specific procedures to be followed at the hearing;
- (7) The scheduling of the hearing on the merits; and
- (8) Any other matters as may assist in the disposition of the proceeding in a fair and efficient manner.

## III. GENERAL PROCEDURES

The Commission's procedural rules govern this proceeding. *See* 16 Tex. Admin. Code ch. 22. The procedural rules may be found at the Commission's website, [www.puc.texas.gov](http://www.puc.texas.gov). Parties are expected to know these procedures and comply with them fully.

**A. Filing**

The procedures for the filing of pleadings and other documents are set out in chapter 22, subchapter E of the Commission's procedural rules. Pleadings and other documents shall be deemed filed when the proper number of legible copies are presented to the Commission's filing clerk for filing. **All pleadings must contain both the SOAH and PUC docket numbers to allow for efficient processing.**

**B. Service**

As stated above, all documents filed in this case must be filed at the Commission. When a party files a document with the Commission, that party is required to serve or give a copy of that document to every other party. Attached to this order is a service list for the parties' convenience.

Parties may wish to provide an email address for receiving orders from the ALJ. If so, go to SOAH's website at [www.soah.texas.gov](http://www.soah.texas.gov) and click on "Request Service by Email" and complete a short form. The service list will be updated as necessary.

**C. Motions and Responses to Motions and Other Pleadings**


Before filing a motion or a request for relief, the party filing the motion must contact the other parties to determine if the parties agree to, or oppose, the motion. The motion must state the parties' positions on the requested relief.

Unless otherwise specified, responses to a motion or another pleading must be filed within **five working days** from receipt of the pleading to which the response is made. Such responsive pleadings shall state the date of receipt of the original pleading. Failure to file a timely response will be considered acquiescence to the relief requested.

**D. Discovery**

Discovery has begun and is governed by the Commission's procedural rules at 16 Texas Administrative Code, chapter 22, subchapter H. All discovery requests and responses shall be filed with the Commission in accordance with its procedural rules. Discovery requests and responses are not filed with SOAH.

**SIGNED July 27, 2016.**

  
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**FERNANDO RODRIGUEZ**  
**ADMINISTRATIVE LAW JUDGE**  
**STATE OFFICE OF ADMINISTRATIVE HEARINGS**