



Control Number: 46069



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APPLICATION OF NITSCH & SON  
UTILITY COMPANY, INC. FOR A  
RATE/TARIFF CHANGE

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§  
§

PUBLIC UTILITY COMMISSION  
FILING CLERK  
OF TEXAS

**ORDER OF REFERRAL**

The Public Utility Commission of Texas refers this docket to the State Office of Administrative Hearings (SOAH) and requests the assignment of an administrative law judge (ALJ) to conduct a hearing and issue a proposal for decision, if necessary to resolve any issues that are contested by the parties.

Under Commission rules, if the Commission receives a complaint from any affected municipality or protests from the lesser of 1,000 or 10% of the ratepayers of the utility, or on its own motion, the Commission shall set the matter for hearing.<sup>1</sup> Numerous ratepayer protests have been received. In addition, Commission Staff has requested a hearing on this matter.

In order to develop a list of the issues to be addressed in this docket, as well as any necessary statement of Commission policy, precedent, or position on any threshold legal or policy issues relevant to this proceeding Nitsch & Son Utility Company, Inc., shall, and the Commission Staff and any other interested party may, file with the Commission a list of issues to be addressed in the docket by **December 20, 2016**. This pleading may also identify any issues that should not be addressed in the docket, and identify any threshold legal and policy issues that should be briefed for purposes of a preliminary order. Specific explanations should support any such issues identified in the pleading. Parties shall not file responses to any pleading submitted in response to this Order, unless specifically requested.

All subsequent pleadings in this docket must contain both the SOAH and PUC docket numbers to allow for efficient processing. Parties shall make filings in accordance with 16 Texas Administrative Code § 22.71(c) (TAC) regarding the number of copies to be filed or 16 TAC § 22.71(d) regarding the number of confidential items to be provided.

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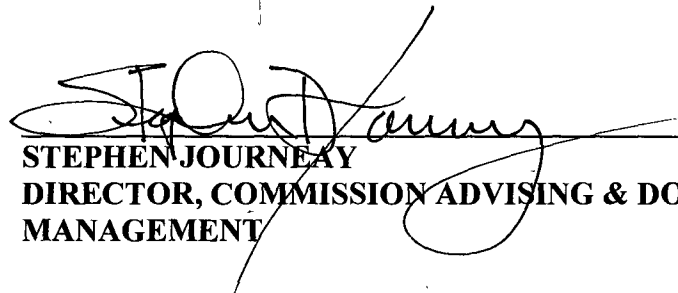
<sup>1</sup> 16 Tex. Admin. Code § 24.28(c).

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The Commission will issue and provide to SOAH a preliminary order that includes a list of issues and areas that must be addressed in this proceeding, as required by Texas Government Code § 2003.049(e) and any necessary statement of Commission policy, precedent, or position on threshold issues, or combination thereof, relevant to this proceeding, as required by Texas Government Code § 2001.058(c). The Commission will consider and possibly adopt a preliminary order in this docket in the open meeting currently scheduled to convene on **January 12, 2017**.

SIGNED AT AUSTIN, TEXAS the 30<sup>th</sup> day of November 2016.

**PUBLIC UTILITY COMMISSION OF TEXAS**

  
**STEPHEN JOURNEY**  
**DIRECTOR, COMMISSION ADVISING & DOCKET**  
**MANAGEMENT**