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SOAH DOCKET NO. 473-17-1434.WS
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PUBLIC UTILITY COMMISSION
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APPLICATION OF NITSCH & SON
UTILITY COMPANY, INC. FOR A
RATE/TARIFF CHANGE

§
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BEFORE THE STATE OFFICE
ADMINISTRATIVE HEARINGS

SOAH ORDER NO. 1
DESCRIPTION OF CASE, NOTICE OF PREHEARING CONFERENCE,
AND GENERAL PROCEDURAL REQUIREMENTS

I. DESCRIPTION OF CASE

On June 16, 2016, Nitsch & Son Utility Company, Inc. (Nitsch) filed with the Public Utility Commission of Texas (Commission) an application for a Class B rate/tariff change for water service under Certificate of Convenience and Necessity (CCN) No. 11124 and sewer service under CCN No. 20446 (the Application).

Commission Order No. 2 (issued by a Commission Administrative Law Judge (ALJ) on July 19, 2016) found the Application sufficient and suspended the rate change effective date for 265 days from Nitsch's proposed effective date of July 27, 2016, until April 18, 2017, or the issuance of a final order, whichever occurs first.

On November 30, 2016, as recommended by Staff, in its Order of Referral the Commission referred this case to the State Office of Administrative Hearings (SOAH), requesting the assignment of a SOAH ALJ to conduct a hearing and issue a proposal for decision, if such is necessary. The Order of Referral states that Staff has requested a hearing in the case and that it appears that over 10 % of affected ratepayers have filed a petition to appeal the rates. The order also states that the Commission will consider and possibly adopt at an open meeting currently scheduled for January 12, 2016, a preliminary order that includes a list of issues in this case and any necessary statement of Commission policy, precedent, or position on threshold issues.

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The Commission has jurisdiction in this matter pursuant to Code §§ 13.041, 13.042, 13.1872(c)(2), and 13.1871 and 16 Texas Administrative Code § 24.22. SOAH has jurisdiction over matters in this case relating to the conduct of the hearing and issuance of a proposal for decision, if needed, pursuant to Texas Government Code § 2003.049.

II. NOTICE OF PREHEARING CONFERENCE

The undersigned ALJ will convene a telephone prehearing conference at 10:00 a.m., on December 16, 2016. The ALJ will call the parties at the following telephone numbers:

Nitsch: Bill Flickinger 512-476-6604

Staff: Michael Crnich 512-936-7255

If these numbers are incorrect, please contact my assistant, Kelly Morante at 512-936-0724 or kelly.morante@soah.texas.gov.

At the prehearing conference, the parties should be prepared to discuss any procedural matter, including notice, pending motions, the jurisdictional deadline, the procedural schedule including hearing dates, and any other relevant matters.

III. PARTY STATUS

The service list the Commission provided to SOAH with its order of referral lists no intervenors. The undersigned ALJ has reviewed the protests that have been filed and found none that indicate a desire to participate in this case **as a party**. The ALJ concludes that no motions to intervene have been filed. A copy of this order is thus being sent only to Nitsch and Staff.

IV. GENERAL PROCEDURAL REQUIREMENTS

All Commission filings are available for viewing and downloading from the Commission's website at <http://www.puc.texas.gov/>. Once there, click "Filings," then "Filings Search," then click "Filings Search" again, then type in the control number 46069 and press "enter." A list of documents filed in this docket will appear and those documents (with a few exceptions such as confidential documents) can be accessed by clicking on the document number.

The Commission's procedural rules are available on the Commission's website (<http://www.puc.texas.gov/agency/rulesnlaws/procrules/Procedural.aspx>). The procedural rules will govern the conduct of this case, and the parties are expected to comply with those rules.

SIGNED December 6, 2016.



**LILLO D. POMERLEAU
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS**