



Control Number: 46150



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**SOAH DOCKET NO. 473-17-0685.WS
PUC DOCKET NO. 46150**

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APPLICATION OF PK-RE DEVELOPMENT COMPANY, INC. d/b/a OAK SHORES WATER SYSTEM AND UNDINE DEVELOPMENT LLC FOR SALE, TRANSFER, OR MERGER OF FACILITIES AND CERTIFICATE RIGHTS IN TRAVIS COUNTY	§ § § § § § §	BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS
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PUBLIC UTILITY COMMISSION
FILING CLERK

SOAH ORDER NO. 1

**CASE DESCRIPTION, NOTICE OF TELEPHONIC PREHEARING CONFERENCE,
FILING AND SERVICE REQUIREMENTS; AND PARTY STATUS**

I. DESCRIPTION OF CASE

On July 11, 2016, PK-RE Development Company, Inc. d/b/a Oak Shores Water System (Oak Shores) and Undine Development LLC (Undine) (collectively referred to as Applicants) filed an application (the Application) with the Public Utility Commission of Texas (the Commission) for approval of the sale, transfer, or merger of facilities and certificate rights in Travis County. Specifically, Applicants seek approval of a sale and transfer whereby (a) Undine will acquire all of Oak Shores' water and sewer assets, and (b) water and sewer Certificates of Convenience and Necessity (CCN) Nos. 12407 and 20948 will transfer from Oak Shores to Undine. According to the Application, the water and sewer systems to be sold provide water and sewer service to 220 customers. The Commission deemed the Application administratively complete on August 11, 2016, and deemed notice sufficient on October 5, 2016.

On October 13, 2016, the Commission referred this docket to the State Office of Administrative Hearings (SOAH) for assignment of an Administrative Law Judge (ALJ) to conduct a hearing and issue a proposal for decision, if necessary. The Commission will consider this docket at its open meeting on November 10, 2016, and subsequently issue a preliminary order setting forth issues that must be addressed in this proceeding.

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II. JURISDICTION

Pursuant to Texas Water Code §§ 13.255 and 13.301, the Commission has jurisdiction over CCN matters. SOAH has jurisdiction over all matters relating to the conduct of the hearing in this proceeding pursuant to Texas Government Code § 2003.049.

III. NOTICE OF PREHEARING CONFERENCE

The ALJ will hold a telephonic prehearing conference in this matter at **10:00 a.m. on November 22, 2016**. The ALJ will use a conference bridge for the prehearing conference. Anyone wishing to participate in the prehearing conference should call the dial-in number below and, at the prompt, enter the conference ID followed by the # sign.

Dial-in-toll number:	(512) 717-4201
Dial-in toll-free number:	(800) 717-4201
Conference ID:	8886731

At the prehearing conference, the ALJ will discuss the Commission's preliminary order and the applicable statutes and rules, settlement of the case or clarification and simplification of the issues, and potential stipulations; establish a procedural schedule (including a hearing date); and address any pending motions and other matters relevant to this proceeding and necessary for the fair and efficient disposition of this case.

IV. 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. 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. **All pleadings shall be filed with the Commission's filing clerk, not with the SOAH filing clerk. The Commission's filing clerk will forward a copy of the pleadings to SOAH. All pleadings must contain both the SOAH and PUC docket numbers to allow for efficient processing.** Pleadings and other documents shall be deemed filed when the proper number of legible copies is presented to the Commission's filing clerk for filing.

B. Service

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 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 may begin immediately 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.

V. PARTY STATUS

As of the date this order is issued, the only parties to this contested case are Oak Shores and Undine, as Applicants, and the Staff of the Commission. Under the Commission's procedural rules, the persons who have filed written comments, letters of protests, and requests for hearing with the Commission are not parties to this case. To become a party to this case and have the right to present a case, cross-examine witnesses, participate in discovery, and make oral or written legal arguments to the ALJ, a person or entity must file a motion to intervene pursuant to 16 Texas Administrative Code § 22.104. All persons who have filed written comments, letters of protests, and requests for hearing are welcome to attend the telephonic prehearing conference.

SIGNED October 25, 2016.



CASEY A. BELL
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS

STATE OFFICE OF ADMINISTRATIVE HEARINGS

AUSTIN OFFICE
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SERVICE LIST

AGENCY: **Public Utility Commission of Texas (PUC)**
STYLE/CASE: **PK-RE DEVELOPMENT COMPANY INC DBA OAK SHORES**
WATER SYSTEM AND UNDINE DEVELOPMENT LLC
SOAH DOCKET NUMBER: **473-17-0685.WS**
REFERRING AGENCY CASE: **46150**

**STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

ADMINISTRATIVE LAW JUDGE
ALJ PETER BROOKS

REPRESENTATIVE / ADDRESS

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PUBLIC UTILITY COMMISSION OF TEXAS

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UNDINE DEVELOPMENT LLC