

Control Number: 46245



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APPLICATION OF DOUBLE §
DIAMOND UTILITY COMPANY, INC. §
FOR WATER AND SEWER §
RATE/TARIFF CHANGE §

BEFORE THE STATE OFFICE OF PUBLIC UTILITY COMMISSION
ADMINISTRATIVE HEARINGS
2016 SEP 13 PM 2:29

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

I. DESCRIPTION OF CASE

On August 1, 2016, Double Diamond Utility Company, Inc. (Double Diamond) filed with the Public Utility Commission of Texas (Commission) an application for a rate/tariff change under Water Certificate of Convenience and Necessity (CCN) No. 12087 and Sewer CCN No. 20705 applicable to the Cliffs and White Bluff subdivisions. Double Diamond stated that it is a Class B retail water utility.

The Commission received a petition to appeal the rates from over 10% of the affected ratepayers and Commission Staff requested a hearing on the matter. Thus, on September 8, 2016, the Commission referred this case to the State Office of Administrative Hearings (SOAH), requesting assignment of a SOAH Administrative Law Judge (ALJ) to conduct a hearing and to issue a proposal for decision, if such is necessary. The Order of Referral also states that the Commission will consider and possibly adopt a preliminary order at an open meeting currently scheduled for October 7, 2016.¹ The preliminary order will include a list of issues and any necessary statement of Commission policy, precedent, or position on threshold issues.

The Commission has jurisdiction over this matter pursuant to Texas Water Code §§ 13.041, 13.043, and 13.1871. 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.

¹ It is possible that the Commission may hear this case at the September 22, 2016 open meeting.

II. NOTICE OF PREHEARING CONFERENCE

The undersigned ALJ will convene the prehearing conference at 10:00 a.m., October 18, 2016, at 300 West 15th Street, 4th Floor, Austin, Texas. At the prehearing conference, the parties should be prepared to discuss any procedural matter, including clarification or suspension of effective dates, any pending motions including motions to intervene, any jurisdictional deadlines, the procedural schedule including hearing dates, and any other relevant matter.

At least 20 days before the prehearing conference, Double Diamond shall provide notice of the prehearing conference to the governing body of each affected municipality and county and to each ratepayer pursuant to Texas Water Code § 13.1871(m)-(n) and 16 Texas Administrative Code § 24.22(d)(2). In addition, the notice must include notification of: (1) the intervention deadline established below; and (2) the fact that persons who want to participate in this case as a party (*i.e.*, intervene) are required to move to intervene as described below; previous submission of a protest does not meet that requirement. Before providing notice, Double Diamond must consult Commission Staff regarding the notice to be provided. Double Diamond must file **no later than October 10, 2016**, proof that it provided the required notice.

III. PARTY STATUS AND INTERVENTION DEADLINE

The service list the Commission provided to SOAH with its order of referral lists no intervenors. As of the date of this order, no motions to intervene have been filed. Therefore, a copy of this order is being sent only to Double Diamond and Commission Staff.


Persons wanting to intervene in this case must do so either (1) by filing **by no later than October 14, 2016**, a motion to intervene in this case in compliance with the Commission's procedural rules; or (2) orally at the October 18, 2016, 2016 prehearing conference.

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 46245 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.

Routine procedural and logistical questions may be directed to the undersigned ALJ's administrative assistant, Kelly Morante, at (512) 936-0724 or kelly.morante@soah.texas.gov. SOAH support personnel may not provide advice or interpret law or orders for the parties.

SIGNED September 13, 2016.



LILO D. POMERLEAU
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS