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SOAH DOCKET NO. 473-17-0119.WS
PUC DOCKET NO. 46245

APPLICATION OF DOUBLE § BEFORE THE STATE OFFICE
DIAMOND UTILITY COMPANY, INC. § OF
FOR WATER AND SEWER § ADMINISTRATIVE HEARINGS
RATE/TARIFF CHANGE §

**THE CLIFFS UTILITY COMMITTEE'S RESPONSE TO DOUBLE DIAMOND
UTILITY COMPANY'S OBJECTIONS TO AND MOTION TO STRIKE TCUC'S
INTERVENOR DIRECT TESTIMONY AND STATEMENT OF POSITION**

COMES NOW, The Cliffs Utility Committee ("TCUC") and files this response to Double Diamond Utility Company, Inc.'s ("Double Diamond") objections to and motion to strike TCUC's intervenor direct testimony and statement of position. TCUC would respectfully show as follows:

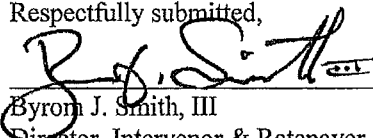
TCUC was admitted as a party to this proceeding on October 18, 2016.¹ TCUC timely filed its intervenor direct testimony and statement of position on September 1, 2017.² The deadline for Double Diamond to object to intervenor direct testimony was September 15, 2017.³

Public Utility Commission proceedings referred to the State Office of Administrative Hearings are governed by the Texas Administrative Code, Title 16, Chapter 22. 16 TAC § 22.71(i) provides that the filing deadline for all documents is "3:00 pm on the due date, unless otherwise ordered by the presiding officer."

There are no orders in this docket authorizing a party to file a document past the 3:00 pm deadline. Double Diamond's objections and motion to strike indicate a file stamp time of 3:15 pm on September 15, 2017. As such, Double Diamond's pleading was untimely filed.

TCUC requests the ALJ enter an order striking Double Diamond's objections and motion to strike. There was no agreement of the parties to allow late-filing of the objections. Further, Double Diamond has failed to offer a motion stating good cause or any cause for its attempted late-filing.

Respectfully submitted,



Byron J. Smith, III
Director, Intervenor & Ratepayer
The Cliffs Utility Committee
200 Oyster Bay
Graford, Texas 76449

¹ See SOAH Order No. 2, Oct. 20, 2016.

² The deadline for intervenor direct testimony was September 8, 2017, pursuant to SOAH Order No. 10.

³ See SOAH Order No. 10, July 27, 2017.

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REPRESENTATIVE FOR THE CLIFFS UTILITY COMMITTEE

CERTIFICATE OF SERVICE

I certify that a copy of this response to Double Diamond Utility Company, Inc.'s Objections to and Motion to Strike The Cliffs Utility Committee's Intervenor Direct Testimony and Statement of Position was served on all parties of record in this proceeding on September 20, 2017, by hand-delivery, facsimile, electronic mail, and/or First Class Mail.

Byrom J. Smith, III

Byrom J. Smith, III