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**SOAH DOCKET NO. 473-17-1641.WS
PUC DOCKET NO. 46256**

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APPLICATION OF LIBERTY	§	BEFORE THE STATE OFFICE
UTILITIES (WOODMARK SEWER)	§	
CORP. AND LIBERTY UTILITIES	§	
(TALL TIMBERS SEWER)	§	OF
CORPORATION FOR A	§	
RATE/TARIFF CHANGE	§	
	§	ADMINISTRATIVE HEARINGS

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

I. DESCRIPTION OF CASE

On September 2, 2016, Liberty Utilities (Woodmark Sewer) Corp. (Woodmark) and Liberty Utilities (Tall Timbers Sewer) Corp. (Tall Timbers) filed an application with the Public Utility Commission of Texas (Commission) to change rates for sewer service in Smith County, Texas. Woodmark (CCN No. 20670) and Tall Timbers (CCN No. 20694 (collectively, Applicants) provide sewer service to customers located in and outside the City of Tyler (Tyler), Texas. Tyler has original jurisdiction over the rate application for customer connections located within its corporate limits pursuant to Texas Water Code §§ 13.042 and 13.1871. Applicants, combined, provide retail sewer utility services to approximately 3,739 active customers and each utility is a Class B utility.

On October 4, 2016, the Commission Administrative Law Judge (ALJ) found the application was deficient. Subsequently, Applicants amended their application and proposed an effective date of January 1, 2017. The Commission ALJ determined that the notice of the rate change must be made at least 35 days before the effective date and established an effective date of February 1, 2017. In Order No. 7, the Commission ALJ suspended the effective date.

On December 12, 2016, the Commission referred this case to the State Office of Administrative Hearings (SOAH), requesting assignment of a SOAH ALJ to conduct a hearing and to issue a proposal for decision, if such is necessary. The Order of Referral also states that

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the Commission will consider and possibly adopt at an open meeting currently scheduled for January 26, 2017, a preliminary order in this case that includes 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, 13.042, 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.

II. NOTICE OF PREHEARING CONFERENCE

The undersigned ALJ will convene the prehearing conference at 10:00 a.m., January 31, 2017, at 300 West 15th Street, 4th Floor, Austin, Texas. At the prehearing conference, the parties should be prepared to discuss any procedural matter, any pending motions including motions to intervene, the procedural schedule including hearing dates, and any other relevant matters.

At least 20 days before the prehearing conference, Applicants **SHALL** provide notice of the prehearing conference to the governing body of each affected municipality and county and to each ratepayer as though the requirements in Texas Water Code § 13.1871(m)-(n) and 16 TAC § 24.22(d)(2) relating to notice of the hearing applied to the prehearing conference. In addition, the notice **SHALL** 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, Applicants shall consult Commission Staff regarding the notice to be provided. Applicants **SHALL** file **no later than January 18, 2017**, proof that it provided the required notice.

Persons wanting to intervene in this case shall do so either (1) by filing **by no later than January 25, 2017**, a motion to intervene in this case in compliance with the Commission's procedural rules; or (2) orally at the January 31, 2016 prehearing conference.


III. GENERAL PROCEDURAL REQUIREMENTS

On September 21, 2016, the Commission ALJ entered a protective order. **All parties are on notice that any filing containing protective material must comply with Paragraph 4 of that order**, *e.g.*, any party producing or filing protective material must indicate the specific claim and the reason for the exemption and that counsel has reviewed the information sufficiently to state in good faith that the material is indeed exempt material.

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 46256 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 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 December 22, 2016.



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