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**SOAH DOCKET NO. 473-17-2285.WS  
PUC DOCKET NO. 46333**

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<b>APPLICATION OF PK-RE</b>	<b>§</b>	<b>BEFORE THE STATE OFFICE</b>
<b>DEVELOPMENT COMPANY, INC.,</b>	<b>§</b>	
<b>D/B/A GREENSHORES UTILITY</b>	<b>§</b>	
<b>SERVICES AND D/B/A OAK SHORES</b>	<b>§</b>	<b>OF</b>
<b>WATER SYSTEM FOR AUTHORITY</b>	<b>§</b>	
<b>TO CHANGE RATES AND TARIFFS IN</b>	<b>§</b>	
<b>TRAVIS COUNTY</b>	<b>§</b>	<b>ADMINISTRATIVE HEARINGS</b>

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

**I. DESCRIPTION OF CASE**

On October 12, 2016, PK-RE Development Company, Inc., d/b/a Greenshores Utility Services, and d/b/a Oak Shores Water System (PK-RE) 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. 12407 and Sewer CCN No. 20948 in Travis County, Texas. This is a Class B application.

PK-RE asked that rates be made effective 60 days after filing with the Commission. The filing was deemed deficient on November 16, 2016, in Order No. 2. In that same order, rates were suspended. The exact wording is as follows: "Consistent with Commission Staff's recommendation this application is deemed deficient; it is not administratively complete. Additionally, the proposed effective dates of December 2016, December 2017 and December 2018 for, Phase 1, 2 and 3 respectively, are suspended. ... An application is not considered filed until the Commission makes a determination of administrative completeness; thus, at this time this application is not considered filed with the Commission."

On January 18, 2017, Order No. 5 deemed the application and notice sufficient; thus, under the law, the application was deemed filed on January 18, 2017, and, consistent with the request of PK-RE, the rates will become effective 60 days after that date without further action, or March 19, 2017. The Commission's judge, however found that cause to suspend the effective

date of the rates by 265 days exists under Texas Water Code § 13.1871(g). That finding guides the Administrative Law Judge (ALJ) to likewise find that a 265-day suspension is appropriate. Therefore, under Texas Water Code § 13.1871(g), the rates requested by PK-RE are suspended for 265 days from March 19, 2017, which is December 9, 2017.<sup>1</sup>

The Commission has jurisdiction over this matter pursuant to Texas Water Code §§ 13.041, 13.042(e), 13.181, 13.1871, and 13.1872 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 the prehearing conference at 10:00 a.m. on March 16, 2017, 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, PK-RE 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, PK-RE must consult Commission Staff regarding the notice to be provided. PK-RE must file **no later than March 6, 2017**, proof that it provided the required notice.

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<sup>1</sup> Furthermore, the 265-day period will be extended by two days for each day a hearing exceeds 15 days. Tex. Water Code § 13.1871(h).

### III. PARTY STATUS AND INTERVENTION DEADLINE


The service list the Commission provided to SOAH with its order of referral lists two intervenors. As of the date of this order, two motions to intervene have been filed and granted. Persons wanting to intervene in this case must do by filing a motion to intervene, no later than the intervention deadline, March 4, 2017.<sup>2</sup>

### 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 46333 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/rules&laws/procrules/Procedural.aspx](http://www.puc.texas.gov/agency/rules%26laws/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, Erin Hurley, at 512-475-3419 or [erin.hurley@soah.texas.gov](mailto:erin.hurley@soah.texas.gov). SOAH support personnel may not provide advice or interpret law or orders for the parties.

**SIGNED February 10, 2017.**

  
STEVEN D. ARNOLD  
ADMINISTRATIVE LAW JUDGE  
STATE OFFICE OF ADMINISTRATIVE HEARINGS

<sup>2</sup> This is 45 days after the application was deemed sufficient, which is deemed the date of filing under 16 Texas Administrative Code § 24.8. Under 16 Texas Administrative Code § 22.104(b), the intervention deadline is 45 days after the application is filed.