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

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

**SOAH ORDER NO. 3  
SETTING PROCEDURAL SCHEDULE AND SUSPENDING  
REVISED EFFECTIVE DATE; NOTICE OF HEARING**

On October 12, 2016, PK-RE Development Company, Inc., d/b/a Greenshores Utility Services, and d/b/a Oak Shores Water System (Applicant) 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. 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. The State Office of Administrative Hearings (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.

On April 17, 2017, Undine Development LLC (Undine) filed a Second Revised Agreed Proposed Procedural Schedule pursuant to SOAH Order No. 2.<sup>1</sup> On the same day, Applicant filed an agreed extension of the effective date of its proposed rate increase to allow additional time in the procedural schedule for the parties to undertake settlement discussions of this case and PUC Docket No. 46150.<sup>2</sup>

<sup>1</sup> The filing states that Undine tried to contact one party's representative by email and telephone to determine his position on the revised agreed schedule but had not heard back from him. The Administrative Law Judge finds those efforts sufficient and in this order sets a procedural schedule consistent with the revised agreed schedule. Further delay would not allow enough time between issuance of this order and the first deadline in the schedule.

<sup>2</sup> *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*, SOAH Docket No. 473-17-0685.WS, PUC Docket No. 46150 (pending). On March 29, 2017, SOAH Order No. 5 was issued in that case, abating the procedural schedule to allow the parties to discuss settlement.

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In its application, Applicant requested a rate increase effective 60 days after filing with the Commission. Order No. 2 in that case deemed the filing deficient and suspended the rates.<sup>3</sup> Order No. 5, issued January 18, 2017, deemed the application and notice sufficient. SOAH Order No. 1 deemed the effective date to be 60 days after January 18, 2017, or March 19, 2017, and pursuant to Texas Water Code § 13.1871(g), suspended Applicant's requested rates for 265 days from March 19, 2017, to December 9, 2017. In its April 17, 2017 filing, Applicant extended the effective date from March 19, 2017, to April 9, 2017. Accordingly, Applicant's requested rates are suspended 265 days after the revised effective date to December 30, 2017.

The following procedural schedule is established in this case.<sup>4</sup> It is consistent with the agreed proposed procedural schedule filed April 17, 2017, but adds deadlines to file objections and replies to prefiled testimony.<sup>5</sup>

DEADLINE/DATE	EVENT
May 9, 2017	Direct Testimony of Applicant and (if any) of Undine
June 1, 2017	Intervenor Direct Testimony
June 20, 2017	Staff Direct Testimony
June 29, 2017	Objections to Direct Testimony
July 7, 2017	Applicant Rebuttal Testimony
July 10, 2017	Replies to Objections to Direct Testimony
July 13, 2017, at <b>NOON</b>	Objections to Rebuttal Testimony
July 17, 2017	Replies to Objections to Rebuttal Testimony
<b>July 20-21, 2017</b>	<b>Hearing on the Merits</b>
August 18, 2017	Initial Briefs
September 1, 2017	Reply Briefs (record closes)

<sup>3</sup> Order No. 2 (Nov. 16, 2016) (stating: "the proposed effective dates of December 2016, December 2017 and December 2018 for, Phase 1, 2, and 3 respectively, are suspended.").

<sup>4</sup> As used in this order, "Intervenor" means all intervenors except Undine, who is interested in acquiring Applicant and has interests aligned with those of Applicant, and "Staff" means the Commission staff.

<sup>5</sup> To allow the parties to focus on settlement negotiations, the ALJ set those deadlines late in the procedural schedule. The ALJ plans to rule on objections, if any, by written order to allow the parties to offer in evidence at the hearing copies of their prefiled testimony that reflect such rulings.

The ALJ will convene the hearing on the merits at 9:00 a.m. on July 20, 2017, at the SOAH hearing facility in the William P. Clements Office Building, 300 West 15th, Fourth Floor, Austin, Texas. Unless the ALJ states otherwise, the hearing will reconvene at 9:00 a.m. on July 21, 2017.<sup>6</sup>

Unless a motion states that all parties agree to or do not oppose it, the ALJ will not rule on the motion until after the deadline to respond to it. Unless otherwise specified, responses to a motion or other pleading shall be filed within **five working days after the pleading is filed**. A motion is not granted unless and until the ALJ grants it.

**SIGNED April 19, 2017.**

  
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**ELIZABETH DREWS**  
**ADMINISTRATIVE LAW JUDGE**  
**STATE OFFICE OF ADMINISTRATIVE HEARINGS**

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<sup>6</sup> Those attending the prehearing conference and hearing must check in with building security personnel in the lobby of the William P. Clements Building and be issued visitor badges before proceeding to the hearing room. The parties should allow sufficient time for the check-in procedure.