



Control Number: 46336



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SOAH DOCKET NO. 473-17-2560.WS  
PUC DOCKET NO. 46336

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APPLICATION OF THE CITY OF  
TOMBALL TO OBTAIN WATER AND  
SEWER CERTIFICATES OF  
CONVENIENCE AND NECESSITY IN  
HARRIS AND MONTGOMERY  
COUNTIES

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BEFORE THE STATE OFFICE OF THE PUBLIC UTILITY COMMISSION  
FILING CLERK  
OF  
ADMINISTRATIVE HEARINGS

SOAH ORDER NO. 1  
JURISDICTION, NOTICE OF PREHEARING CONFERENCE,  
AND GENERAL PROCEDURES

On September 1, 2016, the City of Tomball (Tomball) filed an application (Application) with the Public Utility Commission of Texas (PUC or Commission) requesting water and sewer certificates of convenience and necessity (CCN) for a service area located in Harris and Montgomery Counties. Tomball states that it currently has a water and sewer system to serve existing customers in the proposed service area.

I. JURISDICTION

Texas Water Code §§ 13.241–13.257 vest jurisdiction over CCN matters in the Commission. Pursuant to chapter 2003 of the Texas Government Code, the State Office of Administrative Hearings (SOAH) has jurisdiction over all matters relating to conducting a hearing in this matter.

On February 6, 2017, the Commission issued its Order of Referral, referring this matter to SOAH and requesting the assignment of an Administrative Law Judge (ALJ) to conduct a hearing and issue a proposal for decision, if necessary.

## II. NOTICE OF TELEPHONIC PREHEARING CONFERENCE

The ALJ will hold a prehearing conference at **10:00 a.m. on March 13, 2017**, by telephone. The ALJ may discuss the following matters at the prehearing conference:

- (1) Motions and other preliminary matters related to the proceeding, including notice, discovery, and procedural schedules;
- (2) Settlement of the case, or clarification and simplification of the issues;
- (3) The scheduling of the hearing on the merits; and
- (4) Any other matters as may assist in the disposition of the proceeding in a fair and efficient manner.

## III. GENERAL PROCEDURES

The Commission's procedural rules govern this proceeding. *See* 16 Texas Administrative Code ch. 22. The procedural rules may be found at the Commission's website, [www.puc.texas.gov](http://www.puc.texas.gov). Parties are expected to know these procedures and comply with them fully.

For a party who may not be familiar with the Commission's processes, all PUC filings are available for viewing and downloading from the Commission's website ([www.puc.state.tx.us](http://www.puc.state.tx.us)). Once there, click at the top under "Filings." Then go to Filings Search, click on "Filings Search" and type in the control number 46336 and press "enter." A list of documents filed in this docket will appear and you may access those documents by clicking on the document number.

### A. Filing

The procedures for the filing of pleadings and other documents are set out in chapter 22, subchapter E of the Commission's procedural rules. Pleadings and other documents shall be deemed filed when the proper number of legible copies is presented to the Commission's filing

clerk for filing. **All pleadings must contain both the SOAH and PUC docket numbers to allow for efficient processing.**

**B. Service**

As stated above, all documents filed in this case must be filed at the Commission. When a party files a document with the Commission, that party is required to serve or give a copy of that document to every other party. Attached to this order is a service list for the parties' convenience.

Parties may wish to provide an email address for receiving orders from the ALJ. If so, go to SOAH's website at <http://soah.state.tx.us> and click on "Request Service by Email" and complete a short form. The service list will be updated as necessary.

**C. Motions and Responses to Motions and Other Pleadings**

Before filing a motion or a request for relief, the party filing the motion must contact the other parties to determine if the parties agree to or oppose the motion. The motion must state the parties' positions on the requested relief.

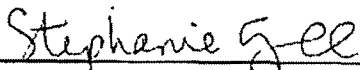
Unless otherwise specified, responses to a motion or another pleading must be filed within **five working days** from receipt of the pleading to which the response is made. Such responsive pleadings shall state the date of receipt of the original pleading. Failure to file a timely response will be considered acquiescence to the relief requested.

**D. Discovery**

Discovery may begin immediately and is governed by the Commission's procedural rules at 16 Texas Administrative Code, chapter 22, subchapter H. Parties will not provide copies of Requests for Information (RFIs) or responses to RFIs to the ALJ. However, when a party files a

motion to compel, the movant will include a copy of every RFI and objection to which the motion applies. Any affidavits supporting an objection, motion to compel, or response shall be attached to the relevant document. Discovery disputes will be resolved based on the written documents, any sworn affidavits attached thereto, and materials, if any, provided for *in camera* inspection, unless a prehearing conference is deemed necessary.

**SIGNED February 14, 2017.**

  
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STEPHANIE FRAZEE  
ADMINISTRATIVE LAW JUDGE  
STATE OFFICE OF ADMINISTRATIVE HEARINGS