

Control Number: 46556



Item Number: 43

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**SOAH DOCKET NO. 473-18-1394.WS  
PUC DOCKET NO. 46556**

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**APPLICATION OF RIVERSIDE  
WASTEWATER TREATMENT  
PLANT FOR AUTHORITY TO  
CHANGE RATES**

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§

**BEFORE THE STATE OFFICE**

**OF**  
PUBLIC UTILITY COMMISSION  
FILING CLERK

**ADMINISTRATIVE HEARINGS**

**JOINT REQUEST TO REVISE PREHEARING CONFERENCE DATE**

**COMES NOW** the Staff of the Public Utility Commission of Texas and Riverside Wastewater Treatment Plant, and files this Joint Request to Revise the Prehearing Conference Date. In support thereof, Parties show the following:

**I. BACKGROUND**

On November 9, 2016, Riverside Wastewater Treatment Plant (Applicant) filed an application with the Public Utility Commission of Texas (Commission) for a rate change affecting wastewater Certificate of Convenience and Necessity (CCN) No. 20740. The jurisdictional deadline in this case is currently May 21, 2018.<sup>1</sup>

On December 18, 2017, State Office of Administrative Hearings (SOAH) Order No. 1 was issued, setting January 4, 2018 as the date for as prehearing conference and noting that because the case was referred long after the initial effective date, a timeline for discovery and completing a hearing will be compressed.

**II. REQUEST TO REVISE PREHEARING CONFERENCE DATE**

Pursuant to Texas Water Code §§ 13.1871(m)-(n) and 16 Texas Administrative Code § 24.22(d)(2), at least 20 days before the prehearing conference, the Applicant must provide notice of the prehearing conference to the governing body of each affected municipality and county and to each ratepayer. In addition, the notice must include a description of the process by which a ratepayer may intervene in the ratemaking proceeding.

In order to comply with the above provisions, Parties request that the Administrative Law Judge (ALJ) reschedule the prehearing conference to a date that will give Applicant enough time

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<sup>1</sup> See Tex. Water Code § 13.1871(g). May 21, 2018 is 265 days after the effective date of August 29, 2017.  
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to give 20-days' notice of the prehearing conference. Parties request that the ALJ issue an order requiring the notice to state as follows:

A prehearing conference will be convened on \_\_\_\_\_ (insert date), at the State Office of Administrative Hearings, 300 West 15th Street; 4th Floor, Austin, Texas. Matters that may be discussed include procedures, pending motions, possible settlement of issues, the procedural schedule (including the hearing date), and other matters that may aid in efficient and fair processing of this case. Persons who attend the prehearing conference must first check in with building security personnel in the building's lobby to be issued visitor badges, and therefore should allow sufficient time for the check-in procedure.

Any person who wants to intervene in this case (i.e., participate in this case as a party) shall move to intervene either (1) in a written motion to intervene filed at the Commission no later than \_\_\_\_\_ (insert date); or (2) orally at the \_\_\_\_\_ (insert date) prehearing conference. Any filed motion shall refer to SOAH Docket No. 473-18-1394.WS and PUC Docket No. 46556, include the person's contact information (including phone number, mailing address, and email address), and otherwise comply with the Commission's procedural rules. Previous submission of a protest does not meet the requirement that a person who wants to participate as a party must move to intervene as described above.

### **III. CONCLUSION**

For the reasons discussed above, the Parties respectfully request that the ALJ revise the prehearing conference date and provide notice language for Riverside to send to the governing body of each affected municipality and county and to each ratepayer.

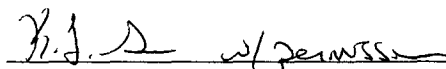
Date: December 21, 2017

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Margaret Uhlig Pemberton  
Division Director

Katherine Lengieza Gross  
Managing Attorney

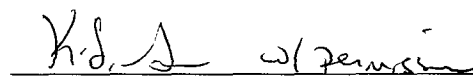
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**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on December 21, 2017, in accordance with 16 TAC § 22.74.

 w/ permission  
Joshua Adam Barron