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SOAH DOCKET NO. 473-17-4964.WS
PUC DOCKET NO. 46662

PETITION OF THE CITIES OF §
GARLAND, MESQUITE, PLANO AND §
RICHARDSON APPEALING THE §
DECISION BY NORTH TEXAS §
MUNICIPAL WATER DISTRICT §
AFFECTING WHOLESALE WATER §
RATES §

BEFORE THE STATE OFFICE
OF ADMINISTRATIVE HEARINGS

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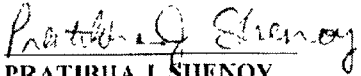
SOAH ORDER NO. 7
DENYING NORTH TEXAS MUNICIPAL WATER
DISTRICT'S MOTION TO COMPEL


On November 9, 2017, the North Texas Municipal Water District (the District) filed a motion to compel (MTC) seeking a ruling compelling responses to certain requests for information and compelling the Petitioning Cities to identify a preparer or sponsoring witness for each of the requests for admissions. The Petitioning Cities filed a response to the MTC (Response) on November 13, 2017.

The Administrative Law Judges (ALJs) agree with the Petitioning Cities that no preparer or sponsoring witness is required to be identified for requests for admissions.¹ Additionally, the ALJs conclude that the MTC is now moot because the Petitioning Cities have, according to their Response, provided complete responses to all requests for information.² However, the ALJs note that the deadline for filing a party's direct case does not relieve it of its obligation to respond to discovery requests. Although the period of time between the date the discovery responses were originally due and the date the Petitioning Cities' direct case was due and discovery supplemented was relatively short, if the District could show it was prejudiced by the delay, the ALJs would entertain a motion for a short extension of time for the District to file its own case. The ALJs would approve an extension only if the schedule could be modified in such a manner as not to jeopardize the hearing dates.

Accordingly, the District's MTC is **DENIED**.

SIGNED November 15, 2017.


PRATIBHA J. SHENOY
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS


HOLLY VANDROVEC
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS

¹ 16 Tex. Admin. Code § 22.144(c)(2)(A), (j).

² Response at 10.

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