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**SOAH DOCKET NO. 473-17-5770.WS
PUC DOCKET NO. 46923**

2018 APR 17 AM 11:01

APPLICATION OF WOLFE AIRPARK CIVIC CLUB, INC. TO OBTAIN A WATER CERTIFICATE OF CONVENIENCE AND NECESSITY IN BRAZORIA COUNTY	§ § § § §	BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS
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**COMMISSION STAFF'S OBJECTION TO
JOE WALKER'S MOTION FOR EXTENSION OF TIME**

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest and files this Commission Staff's Objection to Joe Walker's Motion for Extension of Time and would show the following:

I. BACKGROUND

On November, 13, 2017, the Administrative Law Judge (ALJ) of the State Office of Administrative Hearings (SOAH) issued SOAH Order No. 4, adopting the procedural schedule and setting the hearing on the merits for April 26, 2018 through April 27, 2018.

On April 16, 2018, Joe Walker (Walker) filed a motion requesting an extension of time to respond to Wolfe Air Park Civic Club's (Wolfe) direct testimony. Thus, this objection is timely filed.

II. DISCUSSION

Staff respectfully requests for the ALJ to deny Walker's request for an extension.

Order No. 4 set March 16, 2018 as the deadline for Walker to file his direct testimony. Under 16 Tex. Admin. Code § 22.4(b) (TAC), his motion must have been filed prior to the expiration of the applicable period of time, and he did not state an explanation or request good cause as to why he should be entitled to submit his direct testimony after his scheduled due date.

Although Walker does not explicitly state that he should be exempt from the deadline for good cause, he does state that he did not receive a copy of Wolfe's direct testimony by February

16, 2018. However, Wolfe's direct testimony was filed on October 6, 2017. Moreover, Walker conflates extra time allowed for Wolfe to respond to Staff's requests for information, which Staff did allow, because the deadline for Wolfe to respond to Staff's requests for information fell during the holidays. However, the same should not be allowed here because Walker is requesting a modification of the procedural schedule, not an extension for time to respond to a party's requests for information.

Finally, Walker states that, when he emailed both parties of his intention to request an extension of time, there were no objections from either party. However, Walker sent that email on March 6, 2018, which was, at that time, ten days before Walker's deadline for the submission of his direct testimony. Staff had responded that, at that time, it had no objections to his request for extension as an extension could have been granted at that time without the need to modify the dates for a final hearing. However, as evidenced by this pleading, Staff objects to Walker's motion for extension of time, for the reasons cited above.

III. CONCLUSION

Staff respectfully requests for the ALJ to deny Walker's motion and to allow the parties to proceed according to the procedural schedule adopted in Order No. 4 in this docket.

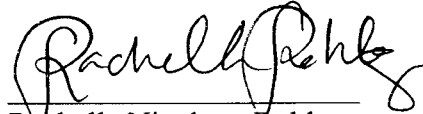
Date: April 17, 2018

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF
TEXAS LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Stephen Mack
Managing Attorney

A handwritten signature in black ink, appearing to read "Rachelle Robles", written over a horizontal line.

Rachelle Nicolette Robles
State Bar No. 24060508
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7255
(512) 936-7268 (facsimile)
rachelle.robles@puc.texas.gov

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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on April 17, 2018 in accordance with 16 TAC § 22.74.

A handwritten signature in black ink, appearing to read "Rachelle Robles", written over a horizontal line.

Rachelle Nicolette Robles