



Control Number: 46923



Item Number: 54

Addendum StartPage: 0

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

RECEIVED

2018 APR 23 AM 11:23

APPLICATION OF WOLFE AIRPARK CIVIC CLUB, INC. TO OBTAIN A WATER CERTIFICATE OF CONVENIENCE AND NECESSITY IN BRAZORIA COUNTY	§	BEFORE THE STATE OFFICE
	§	PUBLIC UTILITY COMMISSION FILING CLERK
	§	OF
	§	
	§	ADMINISTRATIVE HEARINGS

**COMMISSION STAFF'S OBJECTION TO  
JOE WALKER'S MOTION TO ALLOW LATE DIRECT TESTIMONY AND, IF  
POSSIBLE, MODIFY AND EXTEND PROCDURAL SCHEDULE**

**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 to Allow Late Direct Testimony and, If Possible, Modify and Extend Procedural Schedule, 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 23, 2018, intervenor Joe Walker (Walker) filed a motion for extension of time, requesting a revision of the procedural schedule to allow him to file his direct testimony late. Staff and Wolfe Airpark Civic Club, Inc. (Wolfe) filed objections to Walker's motion. On April 18, 2018, SOAH issued Order No. 5, denying Walker's request. On April 20, 2018, Walker filed a second motion requesting for the court to allow him to file late direct testimony and to modify the procedural schedule by adding 30 days to the current procedural schedule. Thus, this objection is timely filed.

**II. DISCUSSION**

Staff respectfully requests for the ALJs to deny Walker's second request for a modification of the procedural schedule.

Walker's second motion for a modification of the procedural reiterates the reasons listed in his first request, and SOAH has already carefully considered his reasons and denied his request. The only difference in this motion is the inclusion of late direct testimony and the assertion that the procedural schedule should be modified to allow parties adequate time to respond.

Staff does not require additional time to respond to Walker's late direct testimony and would prefer to move forward with the current procedural schedule. Thus, Staff objects to Walker's second motion to extend the procedural schedule, as it is unnecessary and is not in the interest of judicial economy and minimizing the cost of the case.

### **III. CONCLUSION**

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

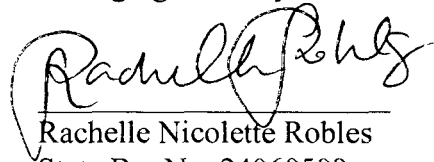
Date: April 23, 2018

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](mailto:rachelle.robles@puc.texas.gov)

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

**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on April 23, 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