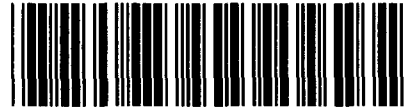


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SOAH DOCKET NO. 473-18-1906.WS
PUC DOCKET NO. 47680

RECEIVED

2018 JAN 24 AM 10:00

PUBLIC UTILITY COMMISSION

APPLICATION OF BOLIVAR
UTILITY SERVICES, LLC FOR
AUTHORITY TO CHANGE SEWER
RATES

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BEFORE THE STATE OFFICE
OF
ADMINISTRATIVE HEARINGS

**SOAH ORDER NO. 1
DESCRIPTION OF CASE, NOTICE OF PREHEARING CONFERENCE,
INTERVENTION DEADLINE, GENERAL PROCEDURAL REQUIREMENTS**

I. DESCRIPTION OF CASE AND SUSPENSION OF EFFECTIVE DATE

On October 9, 2017, Bolivar Utility Services, LLC (Applicant) filed with the Public Utility Commission of Texas (Commission) a Class B application for a sewer rate change.

On November 9, 2017, a Commission Administrative Law Judge (ALJ) issued an order finding the application deficient and incomplete. On January 22, 2018, the Commission ALJ issued an order finding that, after supplementation, the application was administratively complete and suspending the effective date of the rate increase for 265 days, or until October 14, 2018, under 16 Tex. Admin. Code § 24.26(a)(2).

That same day, the Commission referred this docket to State Office of Administrative Hearings (SOAH), noting that more than ten percent of Applicant's ratepayers affected by the proposed rate increase had timely filed protests. The order states that the Commission will consider and possibly adopt at an open meeting currently scheduled for February 15, 2018, a preliminary order in this case, including a list of issues and any necessary statement of Commission policy, precedent, or position on threshold issues.

The Commission has jurisdiction over this matter pursuant to Texas Water Code §§ 13.041, 13.042, and 13.1871. SOAH has jurisdiction over matters in this case relating to the

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conduct of the hearing and issuance of a proposal for decision, if needed, pursuant to Texas Government Code § 2003.049.

II. NOTICE OF PREHEARING CONFERENCE AND INTERVENTION DEADLINE

A prehearing conference will be convened at **10:00 a.m., on February 21, 2018, 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 and be issued visitor badges, and should allow sufficient time for the check-in procedure.

At least 20 days before the prehearing conference, Applicant **SHALL** provide notice of the prehearing conference to the governing body of each affected municipality and county and to each ratepayer as though the requirements in Texas Water Code § 13.1871(m)-(n) and 16 Texas Administrative Code § 24.22(d)(2) relating to notice of the hearing applied to the prehearing conference. In addition, the notice **SHALL** include the text of the paragraph immediately before, and the paragraph immediately after, this paragraph. Before providing notice, Applicant **SHALL** consult with Staff regarding the notice to be provided. Applicant **SHALL, no later than February 16, 2018,** file an affidavit and a copy of the notice, demonstrating that it provided the notice as required.

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 February 16, 2018;** or (2) **orally at the February 21, 2018 prehearing conference.** Any filed motion shall refer to SOAH Docket No. 473-18-1906.WS and PUC Docket No. 47680, include the person's contact information, 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. GENERAL PROCEDURAL REQUIREMENTS

Parties are expected to comply with the Commission's procedural rules and orders issued in this case. The Commission's procedural rules are available on its website at <http://www.puc.texas.gov/agency/rulesnlaws/procrules/Procedural.aspx>.

All orders and other filings in this case are available to view and download from the Commission's website at <http://www.puc.texas.gov/>. Once there, click "Filings," then "Filings Search," then click "Filings Search" again, then type in the control number 46991 and press "enter." A list of documents filed in this docket will appear, which (with a few exceptions such as confidential documents, if any) can be accessed by clicking on the document number.

Routine procedural and logistical questions may be directed to the ALJ's administrative assistant, Liz Slick, at (512) 475-3363 or Liz.Slick@soah.texas.gov. SOAH support personnel may not provide advice or interpret law or orders for the parties.

A. Filing and Service

Filings are deemed to have been made when the proper number of legible copies is presented to the Commission filing clerk for filing. All filings must contain both the SOAH and Commission docket numbers.

When a party files a document with the Commission, that party is also required to serve (*i.e.*, provide a copy of that document to) every other party. Service on a party may be made by delivering a copy of the document to the party's authorized representative or attorney of record: in person; by agent; by courier receipted delivery; by first class mail; by certified mail, return receipt requested; by registered mail to the party's address of record, or by facsimile transmission to the recipient's current facsimile machine.

Only one address per party will be included on the official service list maintained by SOAH. Corrections to the service list should be directed to Ms. Slick.

All mail from the ALJ to the parties will be sent by email, first class mail, or facsimile, unless a party requests express mailing and provides an express mail account number. A party that wants to receive documents from the ALJ by email may go to SOAH's web site at <http://www.soah.texas.gov/index.asp>, click on "Request Email Service," and complete the short form.

B. Motions

A motion seeking a continuance or extension of time **SHALL** propose a new date or dates and indicate whether the other parties agree to the new date or dates. Because the ALJ or a hearing room may not be available on a given day, proposing a range of dates is advisable. The ALJ will not contact parties to ascertain their position or to negotiate dates. In the absence of a ruling by the ALJ, the motion is not granted and the existing schedule remains in place.

Unless otherwise specified in the Commission's procedural rules or an order issued in this case, any responses to a motion or other pleading shall be filed within **five working days** from receipt of the motion or pleading. If a party does not respond, the ALJ will assume that the party agrees with or does not oppose the requested relief.

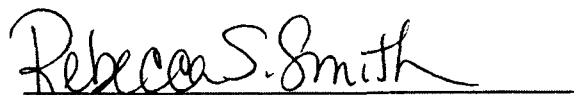
C. Discovery

Discovery may begin immediately in compliance with the Commission's procedural rules and orders issued in this case. Copies of requests for information (RFIs) and objections and responses to RFIs will not be provided to the ALJ. If a party files a motion to compel responses to discovery, the motion shall include 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. The ALJ will resolve discovery disputes based on the written documents, any sworn

affidavits attached thereto, and materials, if any, provided for *in camera* inspection, unless the ALJ concludes that a prehearing conference on the discovery dispute should be held.

If a party seeks *in camera* review of documents in accordance with Commission Procedural Rule § 22.144(g), it will submit the documents to the ALJ at SOAH. Documents submitted for review should not be filed with the Commission filing clerk.

SIGNED January 24, 2018.

A handwritten signature in cursive script that reads "Rebecca S. Smith". The signature is written in black ink and is positioned above a horizontal line.

**REBECCA S. SMITH
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS**