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SOAH DOCKET NO. 473-18-1227 WS
PUC DOCKET NO. 47712

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BEFORE THE STATE OFFICE
PUBLIC UTILITY COMMISSION
FILING CLERK
OF

COMPLAINT OF NAOMI BARRON
AGAINST LONGSPUR CROSSING
APARTMENTS AND WESTDALE
MANAGEMENT

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ADMINISTRATIVE HEARINGS

**SOAH ORDER NO. 1
FILING DESCRIPTION, NOTICE OF PREHEARING CONFERENCE, REFERRAL
FOR MEDIATION EVALUATION, AND PROCEDURES**

I. FILING DESCRIPTION

On October 17, 2017, Naomi Barron filed a complaint against Longspur Crossing Apartments and Westdale Management. On December 4, 2017, the Public Utility Commission of Texas (Commission) referred this case to the State Office of Administrative Hearings (SOAH), requesting the assignment of an Administrative Law Judge (ALJ) to conduct a hearing and issue a proposal for decision, if necessary. The Commission has jurisdiction over this case under Texas Water Code § 13.042(a). SOAH has jurisdiction over matters relating to the conduct of the hearing in these proceedings pursuant to Texas Government Code § 2003.049. In its referral order, the Commission set a December 15, 2017 deadline for the parties to file a list of issues to be addressed in this proceeding. If a party has any questions about this requirement, the ALJ encourages that party to contact the Commission Staff, Rachelle Robles, at 512-936-7255. Staff cannot provide legal advice. However, Ms. Robles may be of assistance concerning procedural matters. The Commission will consider and possibly adopt a preliminary order in this docket in its open meeting currently scheduled to convene on January 11, 2018.

II. NOTICE OF PREHEARING CONFERENCE

The undersigned Administrative Law Judge will convene a **prehearing conference at 10:00 a.m. on Friday, January 12, 2018**, at the State Office of Administrative Hearings, William P. Clements State Office Building, 300 West 15th Street, Fourth Floor, Austin, Texas.

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Those attending the prehearing conference are advised that they must check in with building security personnel in the lobby of the William P. Clements Building and be issued visitor badges before proceeding to the hearing room. The parties should allow sufficient time for the check-in procedure.

At the prehearing conference, the following matters will be discussed:

1. Pending motions filed by 3:00 p.m. on January 11, 2018;
2. A procedural schedule; and
3. Any other matters that may assist in the disposition of this case in a fair and efficient manner.

The parties may confer before the prehearing conference regarding the procedural schedule that will apply in this case. Any proposed procedural schedule must include, at a minimum, deadlines for discovery and prefiled testimony, and three alternative dates for the hearing on the merits.

III. PROCEDURES

A. Filing Procedures

Parties are expected to know how to file documents. The rules setting out how to file documents are found in Subchapter E of the Commission's procedural rules, which are available for viewing and downloading from the Commission's website at www.puc.state.tx.us.¹ Pleadings and other documents shall be deemed filed when the proper number of legible copies is presented to the PUC filing clerk for filing. **All pleadings must contain both the SOAH and PUC docket numbers to allow for efficient processing.**

¹ For those parties who may not be familiar with the Commission's processes, all PUC filings are available for viewing and downloading from the Commission's website at <http://www.puc.texas.gov>. Once there, click on "Filings," then click on "Filings Search," then click on "Filings Search," again. Then type in the control number, "47712," and click on "Search." A list of documents filed in this docket will appear and you may access those documents by clicking on the document number.

All pleadings shall be filed with the Commission's filing clerk, not with the SOAH filing clerk. The Commission's filing clerk will forward a copy of the pleadings to SOAH. Parties wishing to hand-deliver a file-stamped copy of a pleading to the ALJ should deliver it to Room 504, 5th Floor, Clements Building, 300 W. 15th St., Austin, Texas.

B. Service Procedures

A copy of any document filed with the Commission must also be served on (given to) all parties. A copy of the service list, listing all parties, is attached to this order for the parties' convenience. All parties shall provide their current telephone and facsimile number, if available, and email address, if available, to all other parties.

All mail sent to the parties by the ALJ will be sent by first class mail or by fax. However, SOAH has implemented service by email for proposals for decision, orders, and other case-related documents and communications in general docket cases. If you would like to receive service by email from SOAH, please go to SOAH's website, www.soah.state.tx.us, for information and the form to request email service. Click on the "Request Service by Email" link in the Notices box.

C. Motions

Motions for continuance shall be governed by 16 Texas Administrative Code § 22.79. If a continuance or extension of time is sought, the motion shall propose a new date or dates and shall 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, a proposed range of dates would be preferable. The ALJ will not contact parties to ascertain their position or to negotiate dates. In the absence of a ruling by the ALJ, a contested motion for continuance or extension is not granted and the existing schedule remains in place.

Unless otherwise specified in the applicable procedural rules, responses to any motion or other pleading shall be filed within **five working days** from receipt of the motion or pleading. The response shall state the date of receipt of the motion or pleading to which a response is made. If a party does not respond to a motion, the ALJ will assume that the party agrees with the motion or does not oppose the requested relief.

D. Other Procedural Matters

Any matters not addressed by this order shall be governed by the procedural rules of the Commission, which are available for viewing and downloading from the Commission's website at www.puc.state.tx.us.

Discovery may begin immediately pursuant to Subchapter H of the Commission's procedural rules.

SIGNED December 6, 2017.


WENDY K. L. HARVEL
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS