

Control Number: 47795



Item Number: 76

Addendum StartPage: 0

**SOAH DOCKET NO. 473-18-2486.WS  
PUC DOCKET NO. 47795**

2018 AUG 23 PM 12:44

**APPLICATION OF THE CITY OF  
HUTTO TO AMEND A SEWER  
CERTIFICATE OF CONVENIENCE  
AND NECESSITY IN WILLIAMSON  
COUNTY**

§  
§  
§  
§  
§

**BEFORE THE STATE OFFICE**

PUBLIC UTILITY COMMISSION  
FILING CLERK

**OF**

**ADMINISTRATIVE HEARINGS**

**SOAH ORDER NO 5.  
REFERRING CASE TO MEDIATION AND  
RULINGS ON PENDING MATTERS**

On August 2, 2018, the Administrative Law Judge (ALJ) convened the second prehearing conference (Second Conference) pursuant to SOAH Order No. 4 to consider pending motions, a procedural schedule, and any other matters that would assist in the disposition of this case. Parties in attendance included the City of Hutto (Hutto) and the Staff of the Public Utility Commission of Texas (Staff). Attorney Patrick Reznik also appeared on behalf of: Dana R. Boehm, DVM, Emzy Boehm, Troy and Jennifer Boehm, Terry Dolan, Cynthia D. Krueger, Wynette Norman Lessner, Raymond and Diane Naivar, and Isaac W. Norman (collectively referred to herein as the Boehm Alliance).

**I. RULING ON PENDING FILINGS**

On June 15, 2018, Hutto filed its second amendment to its sewer certificate of public convenience and necessity (CCN) No. 20122 application (Amendment). Hutto, the Boehm Alliance and Staff stipulated that all of the property for which various filings have been submitted, including all requests to intervene, all requests for hearing and all applications to “opt out” of the area for which Hutto is seeking to add to its CCN (Proposed Service Area) are now outside of the Proposed Service Area. Accordingly, the ALJ finds that all of the filed “opt-out” requests, which are identified in Table 1, are for land that is now outside the Proposed Service Area and are therefore moot.

**Table 1. Opt Out Requests:**

The Boehm Alliance: Dana R. Boehm, DVM, Emzy Boehm, Troy and Jennifer Boehm, Terry Dolan, Cynthia D. Krueger, Wynette Norman Lessner, Raymond and Diane Naivar, and Isaac W. Norman
Juneva Randig and Robert L. Randig
Cynthia Cervenka
Christy Noren
The John W. Noren Family Trust
Helmer Woodrow Dahl
Morgan and Teresa Wendland
Michael and Patricia Daffin
Robert and Bonnie Kaderka
Robert and Donna Rinehart
Charles W. and Patricia A. Gantt
Sam J. McFarlin
Roselind Wieland

Pursuant to Order No. 4, any person desiring to be granted a hearing or to be designated as an intervenor in this matter was required to appear at this Second Conference. Accordingly, the ALJ hereby denies the requests of those persons listed in Table 2 for hearing and the requests for intervenor status filed because the persons listed were not present.

**Table 2. Requests for Intervention/Formal Hearing:**

Michael and Patricia Daffin
Robert and Bonnie Kaderka
Robert and Donna Rinehart
Roselind Wieland

## II. REFERRAL TO MEDIATION

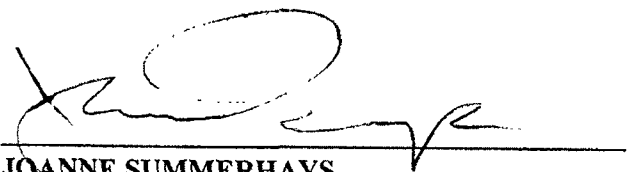
After reviewing the filings in this proceeding and by agreement of the parties at the Second Hearing, the ALJ determines that this case shall be referred to SOAH's Alternative Dispute Resolution Team Leader, Judge Howard S. Seitzman, for mediation between Staff, Hutto, and the Boehm Alliance. With the issuance of this Order, the official file in this case is referred and transferred to Judge Seitzman to conduct mediation.

Judge Seitzman will be contacting Staff, Hutto, and the Boehm Alliance directly to confirm the proposed mediation date of August 20, 2018, at 9:00 a.m. By August 13, 2018, the Boehm Alliance shall submit to Staff and Hutto a list of documents, issues, and concerns that the Boehm Alliance desires to be discussed during mediation. Once Judge Seitzman confirms the mediation date, all persons are ordered to appear at the mediation with a representative (in addition to the attorney) who has full settlement authority for this matter. The case shall be returned to the ALJ by September 28, 2018, unless extended by order of the presiding ALJ. Furthermore, this case is not abated. Any requests for relief prior to or during the period of mediation should continue to be filed.

## III. PROCEDURES

This Order No. 5 shall be mailed to all persons listed on Exhibit "A," which includes all individuals who have filed a request to intervene and/or a request to opt out.

**SIGNED August 23, 2018.**



JOANNE SUMMERHAYS  
ADMINISTRATIVE LAW JUDGE  
STATE OFFICE OF ADMINISTRATIVE HEARINGS

**SOAH DOCKET NO. 473-18-2486.WS  
DOCKET NO. 47795  
EXHIBIT A  
LIST OF PREHEARING ATTENDEES**

<b>INDIVIDUAL/ENTITY</b>	<b>REPRESENTATIVE/ADDRESS</b>
<b>DANA BOEHM 512-352-8381 EMZY BOEHM 512-970-1762 TROY AND JENNIFER BOEHM 512-970-6262 CYNTHIA KRUEGER 512-497-0530 RAYMOND &amp; DIANE NAIVAR 512-468-5280 TERRY DOLAN no phone listed WYNETTE NORMAN LESSNER AND ISAAC W. NORMAN 512-657-7439</b>	<b>PATRICK REZNIK BRAUN &amp; GRESHAM P.O. Box 1148 DRIPPING SPRINGS TX 78620 (mailing)  14101 HWY 290 W SUITE 1100 AUSTIN TX 78737 (physical)  512-894-5426 PH 512-894-3405 FAX  Email: preznik@braungresham.com</b>
<b>CITY OF HUTTO</b>	<b>MORGAN JOHNSON MCGINNIS LOCHRIDGE 600 CONGRESS AVE STE 2100 AUSTIN TX 78701  512-495-6030 PH 512-505-6330 FAX  Email: MJohnson@mcginnislaw.com</b>
<b>MICHAEL &amp; PATRICA DAFFIN</b>	<b>MICHAEL &amp; PATRICIA DAFFIN 2950 FM 3349 TAYLOR TX 76574  NO PHONE OR EMAIL PROVIDED  MAIL</b>
<b>ROBERT &amp; BONNIE KADERKA</b>	<b>ROBERT &amp; BONNIE KADERKA 2121 FM 3349 TAYLOR TX 76574  PHONE: 512-468-2962  NO EMAIL PROVIDED  MAIL</b>

INDIVIDUAL/ENTITY	REPRESENTATIVE/ADDRESS
JOHN KOSTER	JOHN KOSTER PO BOX 513 WALBURG, TX 78673  <del>9100 STATE HWY 130</del> <del>HUTTO TX 78634</del>  PHONE: 512-848-0794  NO EMAIL PROVIDED  MAIL
MICHAEL KRUEGER	MICHAEL KRUEGER C/O RICK ATKINS PO BOX 249 ROUND ROCK TX 78680  NO PHONE OR EMAIL PROVIDED  MAIL  AND  MICHAEL KRUEGER 4551 CR 132 HUTTO TX 78634  NO PHONE OR EMAIL PROVIDED  MAIL
ISAAC NORMAN	ISAAC NORMAN 12500 FM 1660 TAYLOR TX 76574  PHONE: 512-352-3056  NO EMAIL PROVIDED  MAIL
PUBLIC UTILITY COMMISSION OF TEXAS	HEATH D. ARMSTRONG 1701 N. CONGRESS AVENUE AUSTIN, TX 78711-3326  512-936-7261  EMAIL: <a href="mailto:heath.armstrong@puc.texas.gov">heath.armstrong@puc.texas.gov</a>

INDIVIDUAL/ENTITY	REPRESENTATIVE/ADDRESS
ROBERT & DONNA RINEHART	ROBERT & DONNA RINEHART 2201 FM 3349 TAYLOR TX 76574  PHONE: 512-365-9858  Email: rrinehart9858@gmail.com
ROSELIND WIELAND	ROSELIND WIELAND 4332 TERA VISTA CLUB DR #70 ROUND ROCK TX 78665  NO PHONE OR EMAIL PROVIDED  MAIL

OPT OUTS WITH 25 ACRES OR MORE

INDIVIDUAL/ENTITY	REPRESENTATIVE/ADDRESS
CYNTHIA M. CERVENKA	CYNTHIA M. CERVENKA 12701 F.M. 1660 TAYLOR, TX 76574  PHONE: 512-913-0658  EMAIL: cindycervenka@gmail.com
INDIVIDUAL/ENTITY	REPRESENTATIVE/ADDRESS
HELMER DAHL	HELMER DAHL 4401 COUNTY ROAD 100 HUTTO, TX 78634  NO PHONE OR EMAIL PROVIDED  MAIL
GANTT FAMILY TRUST (CHARLES AND PATRICIA GANTT)	GANTT FAMILY TRUST 1839 COUNTRY ROAD 109 HUTTO, TX 78634  PHONE: 512-846-2606  NO EMAIL PROVIDED  MAIL
SAM McFARLIN	SAM McFARLIN

	<b>51 COUNTRY ROAD 309 TAYLOR, TX 76574</b>  <b>PHONE: 512-426-7793</b>  <b>NO EMAIL PROVIDED</b>  <b>MAIL</b>
<b>CHRISTY NOREN</b>	<b>CHRISTY NOREN 3711 COUNTY ROAD 100 HUTTO, TX 78634</b>  <b>NO PHONE OR EMAIL PROVIDED</b>  <b>MAIL</b>
<b>JOHN W. NOREN FAMILY TRUST (CHRISTY AND JENNIFER NOREN AS TRUSTEES)</b>	<b>CHRISTY AND JENNIFER NOREN 3711 COUNTY ROAD 100 HUTTO, TX 78634</b>  <b>NO PHONE OR EMAIL PROVIDED</b>  <b>MAIL</b>
<b>ROBERT RANDIG</b>	<b>ROBERT RANDIG 210 COUNTY ROAD 160 TAYLOR, TEXAS 76574</b>  <b>NO PHONE OR EMAIL PROVIDED</b>  <b>MAIL</b>
<b>INDIVIDUAL/ENTITY</b>	<b>REPRESENTATIVE/ADDRESS</b>
<b>JUNEVA RANDIG</b>	<b>JUNEVA RANDIG 200 COUNTY ROAD 160 TAYLOR, TEXAS 76574</b>  <b>PHONE: 512-413-5125</b>  <b>MAIL</b>
<b>MORGAN AND TERESA WENDLAND</b>	<b>MORGAN AND TERESA WENDLAND 5254 COUNTRY ROAD 101 TAYLOR, TX 76574</b>  <b>PHONE 512-632-9366/512-632-7062</b>  <b>NO EMAIL PROVIDED</b>  <b>MAIL</b>