



Control Number: 47863



Item Number: 14

Addendum StartPage: 0

SOAH DOCKET NO. 473-18-1905.WS
PUC DOCKET NO. 47863

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PETITION OF THE CITIES OF § BEFORE THE STATE OFFICE
GARLAND, MESQUITE, PLANO AND § PUBLIC UTILITY COMMISSION
RICHARDSON APPEALING THE § FILING CLERK
DECISION BY NORTH TEXAS § OF
MUNICIPAL WATER DISTRICT §
AFFECTING 2018 WHOLESALE § ADMINISTRATIVE HEARINGS
WATER RATES §

**NORTH TEXAS MUNICIPAL WATER DISTRICT'S
MOTION FOR EXTENSION OF DEADLINE TO FILE LIST OF ISSUES**

The North Texas Municipal Water District ("District") files this motion to extend the deadline to file a list of issues in the above-referenced docket established by the Public Utility Commission of Texas' ("Commission") Order of Referral issued on January 22, 2018. The District respectfully requests a two-week extension until February 16, 2018, to file a list of issues to account for a significant filing deadline in an analogous wholesale water rate appeal involving all of the parties in this matter, among other reasons. The District's requested two-week extension is consistent with the two-week time frame reflected in the Order of Referral from the date the order was issued to the date Lists of Issues would be due on February 2, 2018.

The undersigned counsel for the District has conferred with the intervening parties in this docket. The Cities of Rockwall and McKinney support the District's motion. The Cities of Royse City, Frisco and Forney do not oppose the District's motion. Finally, the District understands the cities of Allen, Farmersville, Princeton and Wylie are expected to file motions to intervene in the case this week, and they support the District's motion.

I. BACKGROUND

On December 16, 2017, the Cities of Garland, Mesquite, Plano, and Richardson (collectively, the "Petitioners") filed the Petition, which requests the Commission's review of the wholesale water rate for the 2018 fiscal year that is related to the North Texas Municipal Water District Regional Water Supply Facilities Amendatory Contract (the "Facilities Contract") (the

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“2018 Rate Proceeding”). The Petitioners are four of the District’s thirteen Member Cities, each of whom is a party to the Facilities Contract.

As pled, the Petitioners challenge the wholesale water rate established by the District for the 2018 fiscal year. On December 15, 2016, the Petitioners initiated a prior proceeding related to the District’s wholesale water rate for the 2017 fiscal year (the “2017 Rate Proceeding”). All nine Member Cities who are not Petitioners intervened in the 2017 Rate Proceeding¹ and many of those same parties have requested intervention in the 2018 Rate Proceeding.²

II. REQUEST FOR ADDITIONAL TIME IS REASONABLE

An extension of time for filing lists of issues is reasonable for three reasons. First, submitting a list of issues in this proceeding is not as simple as restyling the list of issues from the 2017 Rate Proceeding because the petitions in the two cases are not identical, and the District’s experience with the 2017 Rate Proceeding has led to a more thorough understanding of the issues that are appropriately addressed in the public interest phrase of a wholesale water rate appeal. Allowing two additional weeks for such an examination may inform the Commission’s determination regarding the list of issues in this case. Second, the 2017 Rate Proceeding is ongoing, and parties in that case are in the midst of preparing for a public interest hearing, including the filing of direct testimony by the District and all Member Cities other than the Petitioners on February 5, 2018³—three calendar days after the proposed deadline to submit a List of Issues required by the Order of Referral. Given the overlap of the deadline for a list of issues for the 2018 Rate Proceeding with the testimony filing in the 2017 Rate Proceeding, the District is

¹ The intervenors in the 2017 Rate Proceeding are the Cities of McKinney, Rockwall, Frisco, Princeton, Wylie, Allen, Farmersville, Royse City, and Forney.

² As of January 30, 2018, the intervenors in the 2018 Rate Proceeding are the Cities of McKinney, Rockwall, Forney, Frisco, and Royse City.

³ SOAH Order No. 8 Granting District’s Motion to Extend Procedural Schedule Deadlines, *Petition of the Cities of Garland, Mesquite, Plano and Richardson Appealing the Decision by North Texas Municipal Water District Affecting Wholesale Water Rates*, PUC Docket No. 46662, SOAH Docket No. 473-17-4964.WS, attached hereto as Attachment A.

requesting additional time to prepare a list of issues for this case. Finally, under Commission Rule 22.104(b), the deadline to intervene in this proceeding is not until January 30, 2018, which would not leave much time for other interested parties to file lists of issues by the existing February 2, 2018 deadline.

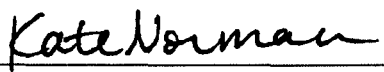
III. CONCLUSION

The District respectfully requests that the Commission extend the deadline for all parties and any other interested party to file a List of Issues to be addressed in the docket consistent with this motion and grant such other relief to which the District may be entitled.

Respectfully submitted,

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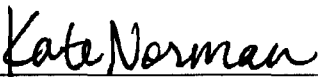


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**ATTORNEYS FOR NORTH TEXAS
MUNICIPAL WATER DISTRICT**

CERTIFICATE OF SERVICE

I hereby certify that true and correct copy of the foregoing document has been served on all parties of record on January 30, 2018 in accordance with 16 Tex. Admin. Code § 22.74.



Kate Norman

SOAH DOCKET NO. 473-17-4964.WS
PUC DOCKET NO. 46662

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PETITION OF THE CITIES OF § BEFORE THE STATE OFFICE
GARLAND, MESQUITE, PLANO AND §
RICHARDSON APPEALING THE §
DECISION BY NORTH TEXAS § OF
MUNICIPAL WATER DISTRICT §
AFFECTING WHOLESALE WATER §
RATES § ADMINISTRATIVE HEARINGS

SOAH ORDER NO. 8
GRANTING DISTRICT'S MOTION TO EXTEND
PROCEDURAL SCHEDULE DEADLINES

Pursuant to SOAH Order No. 7, the North Texas Municipal Water District (District) moved to extend certain deadlines in the procedural schedule to account for prejudice the District experienced resulting from the Petitioning Cities' delay in responding to discovery requests. No response to the District's motion was filed. The Administrative Law Judges (ALJs) find the District's motion has merit. The motion is **GRANTED**. Therefore, the following procedural schedule shall govern this case (altered deadlines are shown in **bold**):

Date	Event
November 10, 2017	Deadline for Petitioning Cities to File Direct Case Testimony and Evidence on Phase One Issues.
December 1, 2017	Deadline for Parties to File Objections to and Motions to Strike Related to Petitioning Cities' Direct Case Testimony and Evidence.
December 23, 2017 through January 1, 2018	Holidays – All Filing Deadlines Suspended and no Discovery to Be Propounded during this Time Period.
February 5, 2018	Deadline for District and Intervenors to File Direct Case Testimony and Evidence or Statements of Position.
February 12, 2018	Deadline for Parties to File Objections to and Motions to Strike Related to District's and Intervenors' Direct Case Testimony and Evidence.
March 13, 2018	Deadline for Commission Staff to File Direct Case Testimony and Evidence.
March 23, 2018	Deadline to Propound Discovery on any Party's Direct Case.
April 13, 2018	Deadline for Petitioning Cities to File Rebuttal Testimony. Deadline for Parties to File Objections to and Motions to Strike Related to PUC Staff's Direct Case Testimony and Evidence.

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SOAH ORDER NO. 8

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Date	Event
April 27, 2018	Deadline for Written Discovery on Petitioning Cities' Rebuttal Testimony. Deadline for Depositions on Petitioning Cities' Rebuttal Testimony.
May 11, 2018	Prehearing Conference to Rule on Objections to and Motions to Strike Related to any Pre-filed Direct Case Testimony and Evidence.
May 14 - May 18, 2018	Hearing on the Merits on Phase One Issues.

SIGNED November 29, 2017.


PRATIBHA J. SHENOY
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS


HOLLY VANDROVEC
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS