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

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PETITION OF THE CITIES OF GARLAND, MESQUITE, PLANO AND RICHARDSON APPEALING THE DECISION BY NORTH TEXAS MUNICIPAL WATER DISTRICT AFFECTING WHOLESALE WATER RATES	§ § § § § § §	BEFORE THE STATE OFFICE <small>FILED CLERK</small> OF ADMINISTRATIVE HEARINGS
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**SOAH DOCKET NO. 473-18-1905.WS
PUC DOCKET NO. 47863**

PETITION OF THE CITIES OF GARLAND, MESQUITE, PLANO AND RICHARDSON APPEALING THE DECISION BY NORTH TEXAS MUNICIPAL WATER DISTRICT AFFECTING 2018 WHOLESALE WATER RATES	§ § § § § § §	BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS
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**SOAH ORDER NO. 11 (SOAH DOCKET NO. 473-17-4964/PUC DOCKET NO. 46662)
SOAH ORDER NO. 2 (SOAH DOCKET NO. 473-18-1905/PUC DOCKET NO. 47863)**

**MEMORIALIZING ABATEMENT OF PROCEDURAL SCHEDULE/DEADLINES IN
PUC DOCKET NO. 46662; DISCUSSING CONSOLIDATION OF DOCKETS; AND
REQUIRING PARTIES TO CONFER AND SUBMIT NEW PROPOSED SCHEDULE**

On March 9, 2018, the North Texas Municipal Water District (the District) filed an Unopposed Motion for Abatement of Procedural Schedule and Request for Expedited Ruling in SOAH Docket No. 473-17-4964/PUC Docket No. 46662 (Motion). The Motion states that Judd Sanderson, the District's Deputy Director of Finance and Personnel, suddenly and unexpectedly passed away on March 2, 2018. Mr. Sanderson provided direct testimony (already filed) and sponsored the majority of the District's responses to discovery in PUC Docket No. 46662. The District states that it will require time to transition Mr. Sanderson's job duties to another employee and for that employee to prepare to address the responsibilities Mr. Sanderson had in this case. The Motion explains that the cities of Garland, Mesquite, Plano, and Richardson (Petitioners) immediately withdrew pending deposition notices for certain District witnesses, and

that no party is opposed to a revised procedural schedule. The District requested an expedited ruling on the Motion.

An assistant to the Administrative Law Judges (ALJs) advised the parties via email on March 9, 2018, that the ALJs would grant the Motion effective the same day, and that an order would follow. This Order memorializes the email grant. It is **ORDERED** that, effective **March 9, 2018**, all deadlines set in the current procedural schedule for PUC Docket No. 46662 are **ABATED**, and all discovery activities are **SUSPENDED** until and unless otherwise ordered.

In the Motion, the District proposes an 8-12 week abatement and notes that the parties had not yet had an opportunity to discuss possible hearing dates more specifically. The Motion requests the ALJs to indicate dates on which they are available for a five-day hearing in June, July, or August 2018.

PUC Docket No. 46662 was initially assigned to ALJs Pratibha J. Shenoy and Holly Vandrovec. Due to scheduling issues, ALJ Casey A. Bell has replaced ALJ Vandrovec on that docket. However, ALJs Shenoy and Vandrovec are assigned to co-preside in a related case recently referred by the Public Utility Commission of Texas (Commission), SOAH Docket No. 473-18-1905/PUC Docket No. 47863, for which a prehearing conference is scheduled on March 27, 2018. PUC Docket No. 47863 addresses 2018 wholesale water rates charged by the District. The ALJs have reviewed the Commission's Preliminary Order in PUC Docket No. 47863 and note that the lists of issues to be addressed and issues not to be addressed are virtually identical to those set forth in the Preliminary Order issued by the Commission in PUC Docket No. 46662. The parties (including intervening cities) also appear to be the same in both cases.

None of the ALJs are available in June, July, or August 2018 due to conflicts with previously-scheduled hearings. However, the ALJs are available in mid- to late-October or November 2018. The extended abatement necessitated by the ALJs' schedules presents the


opportunity to consolidate PUC Docket Nos. 46662 and 47863 for hearing and to allow the parties to complete discovery in both cases. There is no reason apparent to the ALJs that consolidation is inappropriate; rather, it is likely to result in greater efficiency and economy. Therefore, the ALJs direct the parties to discuss a new procedural schedule that also contemplates the consolidation of the cases for hearing.

It is **ORDERED** that, on or before **March 23, 2018**, the parties shall confer and submit (1) a proposed procedural schedule setting out a single set of deadlines for PUC Docket Nos. 46662 and 47863 and (2) proposed consolidated hearing settings in mid- to late-October or November 2018, which settings may be for more than five days if the parties believe more time is necessary. In the event the parties are unable to agree on hearing dates and/or a procedural schedule, separate filings may be submitted for the ALJs' consideration. Any party that believes consolidation of the dockets is inadvisable or improper shall state the reasons for its position in its filing.

SIGNED March 12, 2018.


CASEY A. BELL
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS


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


HOLLY VANDROVEC
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS