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APPLICATION OF FOREST GLEN UTILITY COMPANY FOR AUTHORITY TO CHANGE RATES	§ § §	BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS
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MOTION TO ALIGN INTERVENORS AND REQUIRE ELECTRONIC SERVICE

COMES NOW, Forest Glen Utility Company ("FGU" or "Applicant") and files this Motion to Align Intervenor and Require Electronic Service, and in support thereof, would respectfully show the following:

I. BACKGROUND

At the Prehearing Conference on May 18, 2018, the State Office of Administrative Hearings ("SOAH") Administrative Law Judge ("ALJ") asked if the four (4) individual intervenors would agree to be aligned for purposes of participating in the above-docketed hearing. At that time, the four (4) intervenors declined. Neither the Commission staff nor FGU opposed their individual status nor pressed the necessity of alignment. Now that discovery and pretrial motions are underway and prefiled testimony deadlines are looming, however, FGU finds that alignment is, in fact, necessary to avoid unnecessary duplication and waste of resources. Additionally, although each of the intervenors verbally stated whether they possessed email during the Prehearing Conference, none has filed a Statement of No Access and no intervenor contacted by email responded that he did nor did not agree to alternative service.¹

II. AUTHORITIES

Title 16 Texas Administrative Code (TAC) § 22.105 authorizes the ALJ to align parties who share the same positions on issues of fact or law.² Alignment should be required to avoid unnecessary duplication of effort and to allow aligned parties an adequate opportunity to prepare

¹ Counsel for FGU left voice mail messages with the intervenors who did not give email addresses to the ALJ.

² 16 TAC § 22.105.

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for hearing.³ Alignment also affords a more efficient hearing process, not only in the pretrial stages but during the hearing on the merits including cross-examination.⁴

Commission rules (like SOAH's) also allow alternative forms of service, including email service that may be required by the ALJ.⁵ Email service may be allowed with or without a Statement of No Access by the parties.⁶

III. ARGUMENT

All four (4) individual intervenors in this case – Messrs. Van Johnson, Dennis Brown, Cecil Perkins and Fleming Mitchell – have filed written protests and/or requests for intervention stating their objection to the sewer rate increase sought by FGU. None of the intervenors have stated disparate positions or disagreement with each other. Their positions are the same – they all oppose the rate increase. These intervenors should be aligned and represented by a single representative.

As stated earlier, FGU is a small investor-owned utility of only about 223 connections. It is already and will continue to be a burden to provide the typical 12 copies of pleadings to the Commission and an additional four (4) to the individual intervenors. This is especially true when filings run into the 100's of pages as is the case with Prefiled Direct Testimony. Since all filings are available online through the Commission's Interchange, and each intervenor may subscribe to automatic notification of filings in this docket (so they may apprise themselves of any filing in almost real time), service of filings by email is already a "backup" method. An additional hard/mailed or faxed or hand delivered copy on top of emailed copies as well as filing with the Commission Interchange is yet another layer of unnecessary duplication. Emailed service on just one intervenor representative should be allowed by the ALJ.

³ *Id.*

⁴ *Id.*

⁵ 16 TAC § 22.74(c).

⁶ *Id.*

In the alternative, if for some reason the aligned intervenors' representative cannot receive email service or service of documents of great size, FGU proposes to continue to provide mailed notice, so long as FGU is only required to serve one individual (instead of 4).

IV. PRAYER

WHEREFORE, PREMISES CONSIDERED, Forest Glen Utility Company requests that the ALJ align the four (4) individual intervenors and any future intervenor(s) in a group represented by a single representative and that service upon the intervenor representative be allowed through email service only, unless single hard copy mail service is the only reasonable method.

Respectfully submitted,

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By: Helen S. Gilbert

Helen S. Gilbert

**ATTORNEYS FOR FOREST GLEN
UTILITY COMPANY**

CERTIFICATE OF SERVICE

I hereby certify that I have or will serve a true and correct copy of the foregoing document via hand delivery, facsimile, electronic mail, overnight mail, U.S. mail, or Certified Mail Return Receipt Requested on all parties on the 18th of June 2018.

By: Helen S. Gilbert
Helen S. Gilbert