



Control Number: 47897



Item Number: 214

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**SOAH DOCKET NO. 473-18-3008.WS  
PUC DOCKET NO. 47897**

**APPLICATION OF FOREST GLEN  
UTILITY COMPANY TO CHANGE  
RATES**

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**BEFORE THE STATE OFFICE**

**OF**

**ADMINISTRATIVE HEARINGS**

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PUBLIC UTILITY COMMISSION  
FILING CLERK

**SOAH ORDER NO. 4  
GRANTING MOTION FOR INTERIM RATES;  
DENYING REQUEST FOR ADDITIONAL INTERVENTION DATE; AND  
DENYING MOTION TO ALIGN INTERVENORS  
AND REQUIRE ELECTRONIC SERVICE**

**I. GRANTING MOTION FOR INTERIM RATES**

Forest Glen Utility Company (Forest Glen) filed its initial application on December 21, 2017. On January 31, 2018, the Commission's Administrative Law Judge (ALJ) issued an order finding the application deficient. On February 23, 2018, Forest Glen filed additional information to rectify the deficiencies in its application. On March 27, 2018, the Commission ALJ issued an order deeming the application administratively complete. After its application was deemed complete, Forest Glen did not provide an updated statement of intent with a new proposed effective date.

At its May 25, 2018 open meeting, the Commission postponed adoption of a Preliminary Order in this proceeding until Forest Glen filed a proper statement of intent with a new proposed effective date as required by Texas Water Code § 13.1871(e). On June 1, 2018, Forest Glen filed an updated statement of intent with a new proposed effective date of July 6, 2018. The Commission issued its Preliminary Order on June 14, 2018.

On June 15, 2018, Forest Glen filed a Motion for Interim Rates. Forest Glen requested that the interim rates be set at the amount requested in its Application. Forest Glen also requested that the ALJ provide the parties with a ruling on the propriety of the updated statement of intent. Staff filed a response on June 22, 2018. Staff does not oppose the Motion for Interim Rates, but Staff requests that if the motion is granted, the ALJ establish an effective date pursuant to Forest Glen's statement of intent issued on June 1, 2018. According to Staff, that

date should be 35 days after the updated Statement of Intent was issued, which is July 6, 2018. No other parties filed responses to the motion.

The ALJ finds that the updated statement of intent is sufficient. The Motion for Interim Rates is **GRANTED**, and the interim rates requested by Forest Glen are approved. The effective date of the interim rates is **July 6, 2018**.

## **II. DENYING REQUEST FOR ADDITIONAL INTERVENTION DATE**

On June 28, 2018, Staff filed a request for additional intervention date. The basis for the request is that the notice of the prehearing conference and opportunity to intervene sent by Forest Glen was provided pursuant to an insufficient application because Forest Glen was required by the Commission to submit an updated statement of intent after its original notice was issued. Staff requests that Forest Glen be required to issue a notice of hearing on the merits and of an additional opportunity to intervene, with the notice being issued at least 20 days before the new intervention deadline.

Forest Glen opposes Staff's request, stating that the updated statement of intent is virtually identical to the previously-issued statement of intent. According to Forest Glen, the only differences between the two are that the updated version has different signature dates and affiants. The substantive information provided is the same.

The request is **DENIED**. Staff did not provide a basis for requiring Forest Glen to provide a second notice of hearing or for imposing a new deadline for additional requests for intervention based on the content of the new statement of intent.

## **III. DENYING MOTION TO ALIGN INTERVENORS AND REQUIRE ELECTRONIC SERVICE**

On June 18, 2018, Forest Glen filed a Motion to Align Intervenors and Require Electronic Service. Forest Glen argues that alignment of the intervenors is necessary to avoid

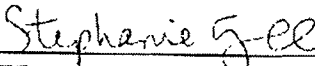
duplication and to conserve resources. Forest Glen asserts that the intervenors' positions are the same; therefore, they should be aligned and represented by a single representative. Forest Glen also requests that email service be required to conserve resources, although Forest Glen notes that email addresses were not provided by all intervenors at the prehearing conference.

On June 22, 2018, intervenors Van Johnson, Fleming D. Mitchell, Dennis Brown, and Cecil J. Perkins filed a Motion to Deny Alignment of Intervenors. The intervenors state that they each have a different perspective in the case and oppose being aligned and represented by a single representative. They further state that they have not shared their interests with Forest Glen; therefore, Forest Glen's assertion that they do not have disparate positions or disagree with each other is unfounded.

On June 25, 2018, Forest Glen filed a response to the Motion to Deny Alignment of Intervenors. Forest Glen asserts that the intervenors did not oppose its request for email service. Forest Glen further asserts that the fact that the intervenors filed the motion together indicates that their alignment would not prevent them from demonstrating multiple grounds for denial of the application. Forest Glen asserts that alignment would facilitate the intervenors' ability to put on their case without duplicating issues or resources.

The Motion to Align is **DENIED**. The ALJ declines to align parties who have opposed being aligned and for whom no one wishes to serve as a single representative. The Motion to Require Electronic Service is also **DENIED**. The parties may agree among themselves to use email service if they so wish.

**SIGNED August 2, 2018.**

  
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STEPHANIE FRAZEE  
ADMINISTRATIVE LAW JUDGE  
STATE OFFICE OF ADMINISTRATIVE HEARINGS