



Control Number: 47897



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

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

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BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

2018 APR 12 PM 3:54

PUBLIC UTILITY COMMISSION
FILING CLERK

SOAH ORDER NO. 1
DESCRIPTION OF CASE, NOTICE OF PREHEARING CONFERENCE,
INTERVENTION DEADLINE,
AND GENERAL PROCEDURAL REQUIREMENTS

I. DESCRIPTION OF CASE

On December 21, 2017, Forest Glen Utility Company (Forest Glen) filed with the Public Utility Commission of Texas (Commission) an application for a rate/tariff change under Water Certificate of Convenience and Necessity (CCN) No. 21070 in Medina County, Texas. This is a Class B application.

The Commission Staff recommended that utility's proposed effective date be suspended and that the case be referred to the State Office of Administrative Hearings (SOAH). On March 27, 2018, the Commission's Administrative Law Judge (ALJ) suspended the effective date in accordance with 16 Texas Administrative Code § 24.26(a)(2). On April 3, 2018, the Commission referred this matter to SOAH, requesting assignment of a SOAH ALJ to conduct a hearing and to issue a proposal for decision, if such is necessary. The Order of Referral also states that the Commission will consider and possibly adopt a preliminary order at an open meeting currently scheduled for May 10, 2018. The preliminary order will include a list of issues and any necessary statement of Commission policy, precedent, or position on threshold issues.

The Commission has jurisdiction over this matter pursuant to Texas Water Code §§ 13.041, 13.181, 13.1871, and 13.1872. SOAH has jurisdiction over matters in this case

relating to the conduct of the hearing and issuance of a proposal for decision, if needed, pursuant to Texas Government Code § 2003.049.

II. NOTICE OF PREHEARING CONFERENCE AND INTERVENTION DEADLINE

A prehearing conference will be convened at **10:00 a.m. on May 18, 2018, at the State Office of Administrative Hearings, 300 West 15th Street, 4th Floor, Austin, Texas.** At the prehearing conference, the parties should be prepared to discuss any procedural matter, including clarification or suspension of effective dates, any pending motions including motions to intervene, any jurisdictional deadlines, the procedural schedule including hearing dates, and any other relevant matter. Persons who attend the prehearing conference must first check in with building security personnel in the building's lobby and be issued visitor badges and should allow for sufficient time for the check-in procedure.

At least 20 days before the prehearing conference, Forest Glen **SHALL** provide notice of the prehearing conference to the governing body of each affected municipality and county and to each ratepayer pursuant to Texas Water Code § 13.1871(m)-(n) and 16 Texas Administrative Code § 24.22(d)(2). In addition, the notice **SHALL** include the text of the paragraph immediately before, and the paragraph immediately after, this paragraph. Before providing notice, Forest Glen must consult Commission Staff regarding the notice to be provided. Forest Glen must file **no later than May 16, 2018**, an affidavit and a copy of the notice demonstrating that it provided the notice as required.

Any person who wants to intervene in this case (*i.e.* participate in this case as a party) shall move to intervene either (1) in a written motion to intervene **filed at the Commission no later than May 16, 2018**; or (2) **orally at the May 18, 2018 prehearing conference**. Any filed motion shall refer to SOAH Docket No. 473-18-3008 and PUC Docket No. 47897, include the person's contact information, and otherwise comply with the Commission's procedural rules. Previous submission of a protest does not meet the requirement that a person who wants to participate as a party must move to intervene as described above.

III. GENERAL PROCEDURAL REQUIREMENTS

All Commission filings are available for viewing and downloading from the Commission's website at <http://www.puc.texas.gov/>. Once there, click "Filings," then "Filings Search," then click "Filings Search" again, then type in the control number 47897 and press "enter." A list of documents filed in this docket will appear and those documents (with a few exceptions such as confidential documents) can be accessed by clicking on the document number. The Commission's procedural rules are available on the Commission's website (<http://www.puc.texas.gov/agency/rulesnlaws/procrules/Procedural.aspx>). The procedural rules will govern the conduct of this case, and the parties are expected to comply with those rules.

Routine procedural and logistical questions may be directed to the undersigned ALJ's administrative assistant, Liz Slick, at 512-475-3363 or liz.slick@soah.texas.gov. SOAH support personnel may not provide advice or interpret law or orders for the parties.

A. Filing and Service

Filings are deemed to have been made when the proper number of legible copies is presented to the Commission filing clerk for filing. All filings must contain both the SOAH and Commission docket numbers.

When a party files a document with the Commission, that party is also required to serve (*i.e.*, provide a copy of that document to) every other party. Service on a party may be made by delivering a copy of the document to the party's authorized representative or attorney of record: in person; by agent; by courier receipted delivery; by first class mail; by certified mail, return receipt requested; by registered mail to the party's address of record; or by facsimile transmission to the recipient's current facsimile machine.

Only one address per party will be included on the official service list maintained by SOAH. Corrections to the service list should be directed to Ms. Slick.

All mail from the ALJ to the parties will be sent by email, first class mail, or facsimile, unless a party requests express mailing and provides an express mail account number. A party that wants to receive documents from the ALJ by email may go to SOAH's web site at <http://www.soah.texas.gov/index.asp>, click on "Request Email Service," and complete the short form.

B. Motions

A motion seeking a continuance or extension of time **SHALL** propose a new date or dates and indicate whether the other parties agree to the new date or dates. Because the ALJ or a hearing room may not be available on a given day, proposing a range of dates is advisable. The ALJ will not contact parties to ascertain their position or to negotiate dates. In the absence of a ruling by the ALJ, the motion is not granted and the existing schedule remains in place.

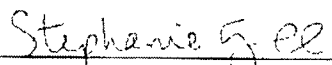
Unless otherwise specified in the Commission's procedural rules or an order issued in this case, any responses to a motion or other pleading shall be filed within **five working days** from receipt of the motion or pleading. If a party does not respond, the ALJ will assume that the party agrees with or does not oppose the requested relief.

C. Discovery

Discovery may begin immediately in compliance with the Commission's procedural rules and orders issued in this case. Copies of requests for information (RFIs) and objections and responses to RFIs will not be provided to the ALJ. If a party files a motion to compel responses to discovery, the motion shall include every RFI and objection to which the motion applies. Any affidavits supporting an objection, motion to compel, or response shall be attached to the relevant document. The ALJ will resolve discovery disputes based on the written documents, any sworn affidavits attached thereto, and materials, if any, provided for *in camera* inspection, unless the ALJ concludes that a prehearing conference on the discovery dispute should be held.

If a party seeks *in camera* review of documents in accordance with Commission Procedural Rule § 22.144(g), it will submit the documents to the ALJ at SOAH. Documents submitted for review should not be filed with the Commission filing clerk. If they are filed with the Commission filing clerk, even inadvertently, the documents may not be physically removed from the Commission. Further, any claim to privilege or exemption may be waived by the filing.

SIGNED April 12, 2018.



STEPHANIE FRAZEE
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS