

Control Number: 48640



Item Number: 98

Addendum StartPage: 1

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APPLICATION OF W.E. VLASEK FOR §
AUTHORITY TO CHANGES RATES §
§

BEFORE THE STATE OFFICE
PUBLIC UTILITY COMMISSION
OR FILING CLERK
ADMINISTRATIVE HEARINGS

MOTION TO REQUIRE PARTIES TO PROCEED WITH MEDIATION

COME NOW, W.E. VLASEK, Applicant, by and through counsel and hereby files this Motion to Require Parties to Proceed with Mediation, and in support hereof, the parties would respectfully show the Honorable Administrative Law Judge as follows:

1. On June 4, 2019 the Honorable Administrative Law Judge convened an initial prehearing conference at which the Applicant appeared by and through counsel and consultant, and the Commission Staff appeared by and through counsel.

2. In SOAH Order No. 2, the Honorable Administrative Law Judge memorialized the terms, agreements and issues discussed and agreed to by the parties in the initial Prehearing Conference. Among the matters agreed to by both the Applicant and the Commission Staff was that the parties were to go to mediation to attempt to resolve the issues in this case.

3. In SOAH Order No. 2, the Honorable Administrative Law Judge referred this case to mediation and appointed a mediator to conduct the mediation.

4. The parties met with the appointed mediator on the date of the initial Prehearing Conference and the Commission Staff attorney informed her and the Applicant's representatives that the Commission Staff was allegedly not ready to proceed with mediation, and requested more time to allegedly develop the list of issues the Commission Staff allegedly wanted to compile in order to determine the Commission Staff's position regarding the Applicants' rate change application and what issues they wanted to be addressed in the mediation proceeding and in this case.

5. The Applicant and the Applicant's consultants are confused by the Commission Staff's position regarding both the development of the list of issues to be addressed in this case and the Commission Staff's

98

position to try to evade and/or avoid mediation.

6. The Commission Staff originally took the position that the effective date for the new rates to take effect should be extended allegedly because the Commission Staff claimed it was conducting a financial review of the rate case Application as well as the Applicant's utilities and business.

7. In the initial Prehearing Conference, upon inquiry by the Honorable Administrative Law Judge, the Commission Staff attorney attending the hearing stated that the Commission Staff had completed its financial review and that the Staff was ready to proceed with this case. Since the original Preliminary Order in this case set forth the issues to be addressed in this case, and since the Commission Staff agreed to the terms of the Preliminary Order, the Applicant is confused as to why the Commission Staff now claims it has not made a final determination of the issues they want addressed in this case.

8. Furthermore, since the Commission Staff's attorney told the Honorable Administrative Law Judge at the initial Prehearing Conference that the Commission Staff had completed its financial review, the Applicant is also confused about why the Commission Staff claims they have not made a determination about the issues to be addressed in this case and about their position regarding the Application for a change of the Applicant's rates. This is further more confusing since the Commission Staff attorney told the mediator that the Commission Staff was not ready to proceed with mediation, allegedly because the Commission Staff had not yet determined what issues they wanted addressed in this case and had not determined their position regarding the rate change Application.

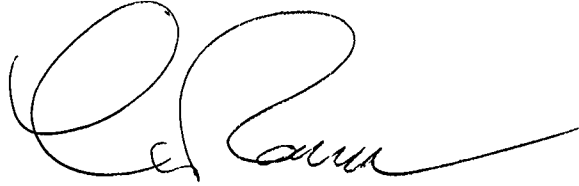
9. As this case proceeds, the Commission Staff continues to send discovery requests to the Applicant, which is causing the Applicant to spend money in consulting and attorney's fees as well as copying charges and other related costs. All of these expenses will ultimately be forced upon the utility customers if the Applicant is successful in obtaining the rate change sought in the Application. All of these additional costs and expenses could be reduced and/or eliminated if the parties were to proceed to mediation and reach a settlement in this case.

10. For the above-stated reasons, and in compliance with the actual referral to mediation set forth in SOAH Order No. 2, the Applicant requests that the Honorable Administrative Law Judge issue and order

requiring the Commission Staff and the Applicant to attend mediation. This will be in the best interests of the Applicant and the customers of the utilities served by the Applicant.

11. The Applicant also requests such other and further relief as the Honorable Administrative Law Judge may deem just and proper.

Respectively submitted this 21st day of August, 2019.

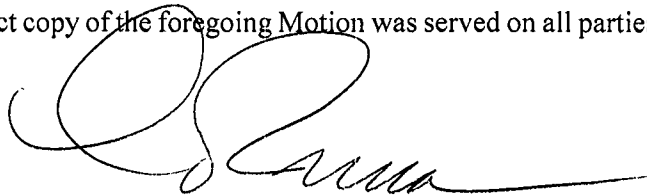


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ATTORNEY FOR W.E. VLASEK

CERTIFICATE OF SERVICE

21st I hereby certify that a true and correct copy of the foregoing Motion was served on all parties on the day of August, 2019.



Les Romo