



Control Number: 48697



Item Number: 36

Addendum StartPage: 0

SOAH DOCKET NO. 473-20-1117.WS  
PUC DOCKET NO. 48697

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PUBLIC UTILITY COMMISSION  
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APPLICATION OF ANDERSON § BEFORE THE STATE OFFICE  
WATER COMPANY, INC. FOR § OF  
AUTHORITY TO CHANGE RATES § ADMINISTRATIVE HEARINGS

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

I. DESCRIPTION OF CASE

Anderson Water Company, Inc. (Anderson) holds Certificate of Convenience and Necessity No. 11675, under which it provides water service in Grimes County, Texas. On October 1, 2018, Anderson Water Company, Inc. (Anderson) filed with the Public Utility Commission of Texas (Commission) an application for a water rate/tariff change pursuant to Texas Water Code (TWC) § 13.1871. On April 30, 2019, the Applicant filed an affidavit of having provided notice of intent to customers on March 15, 2019, with a proposed effective date of April 26, 2019.<sup>1</sup> By Order No. 7, the Commission Administrative Law Judge (ALJ) suspended the effective date of the rates 265 days from “April 26, 2019 or until the issuance of an order setting final rates.”<sup>2</sup> The rates are therefore set to go into effect **January 16, 2020**. The Commission referred this case to the State Office of Administrative Hearings (SOAH) on November 13, 2019. In its order of referral, the Commission stated that at the open meeting currently scheduled to convene on December 13, 2019, it will consider and possibly adopt a preliminary order that will provide, among other things, a list of issues to be addressed in this proceeding and any necessary statement of Commission policy, precedent, or position on threshold issues.

<sup>1</sup> Under 16 Tex. Admin. Code (TAC) § 24.27(d) and TWC § 13.1871(b), the proposed effective date must be at least 35 days after the statement of intent is sent to ratepayers.

<sup>2</sup> Texas Water Code (TWC) § 13.1871(g) and 16 TAC § 24.33(a)(2) authorize the suspension of the effective date of the rate “for not more than 265 days from the proposed effective date.” The undersigned Administrative Law Judge construes Order No. 7 as suspending the effective date for the lesser of 265 days from April 26, 2019, or until the issuance of an order setting final rates, subject to the two additional days for each day the hearing exceeds 15 days, under TWC § 13.1871(h).

## II. JURISDICTION

The Commission has jurisdiction over this matter pursuant to TWC §§ 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.

## III. NOTICE OF PREHEARING CONFERENCE AND INTERVENTION DEADLINE

A prehearing conference will be convened at **10:00 a.m. on January 22, 2020**, 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 of the suspension of effective dates, any pending motions, any procedural deadlines, and the procedural schedule including hearing dates, and any other relevant matter.

At least 20 days before the prehearing conference, the Applicant **SHALL** provide notice of the prehearing conference to the governing body of each affected municipality and county and to each ratepayer pursuant to TWC § 13.1871(m)-(n) and 16 TAC § 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, the Applicant must consult Commission Staff regarding the notice to be provided. The Applicant must file **no later than January 17, 2020**, 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 as a party) shall move to intervene either: (1) in a written motion to intervene **filed at the Commission no later than January 17, 2020**; or (2) **orally at the January 22, 2020 prehearing conference**. Any motion shall refer to SOAH Docket No. 473-20-1117.WS and PUC Docket No. 48697, 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 of a motion to intervene as described above.

#### IV. 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 type in the control number 48697 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 at <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 ALJ's administrative assistant, Erin Hurley, at 512-475-3419 or [erin.hurley@soah.texas.gov](mailto:erin.hurley@soah.texas.gov). SOAH support personnel may not provide advice or interpret orders or regulations for the parties.

##### A. Filing and Service

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

When a party files a document with the Commission, that party must also 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. Hurley.

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 [www.soah.texas.gov](http://www.soah.texas.gov), click on "E-Services," and complete the 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.

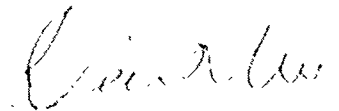
## **C. Discovery**

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 December 6, 2019.**



DANIEL WISEMAN  
ADMINISTRATIVE LAW JUDGE  
STATE OFFICE OF ADMINISTRATIVE HEARINGS