

Control Number: 48697



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

<b>APPLICATION OF ANDERSON</b>	<b>§</b>	<b>BEFORE THE STATE OFFICE</b>
<b>WATER COMPANY, INC. FOR</b>	<b>§</b>	<b>OF</b>
<b>AUTHORITY TO CHANGE RATES</b>	<b>§</b>	<b>ADMINISTRATIVE HEARINGS</b>

**SOAH ORDER NO. 3**  
**DENYING REQUEST TO CANCEL PREHEARING CONFERENCE AND**  
**ADDRESSING OTHER MATTERS**

On January 10, 2020, Staff of the Public Utility Commission of Texas (Staff) filed a Joint Status Report and Request to Cancel Prehearing Conference, currently set for January 22, 2020. For the reasons state below, that request is **DENIED**.

Staff's January 10, 2010 filing states that, having agreed to an effective date, "there are no other issues currently outstanding in this docket," and therefore requested that the prehearing conference be cancelled. However, the hearing is not discretionary under 16 Texas Administrative Code (TAC) § 24.27(d)(2)(B) and Texas Water Code § 13.1871(m)-(n). SOAH Order No. 1 directed Anderson Water Company, Inc. (Applicant) to provide notice of the prehearing conference to customers along with instructions on how to intervene, pursuant to those provisions.

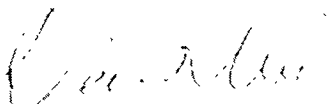
Moreover, the order directed the parties to prepare "to discuss any procedural matter, including clarification of the suspension of effective dates, any pending motions, any procedural deadlines, and the procedural schedule including hearing dates, and any other relevant matter." Although the effective date is one of the items listed, it is not the only one. Additionally, under 16 TAC § 24.27(d)(2)(B), customers do not receive instructions on how to intervene until provided with a notice of hearing. Without an opportunity to intervene, the parties cannot be named. Thus, absent a prehearing conference, and until the intervention period has passed, the parties to this proceeding cannot be identified.

If the Applicant wishes to appear by phone at the prehearing conference, the Applicant should contact the Administrative Law Judge's (ALJ)'s legal secretary, Erin Hurley, at

512-475-3419 or [erin.hurley@soah.texas.gov](mailto:erin.hurley@soah.texas.gov), and provide a good working telephone number *no later than January 21, 2020*.<sup>1</sup>

SOAH Order No. 1 required Anderson to submit an affidavit demonstrating compliance and a copy of that notice no later than January 17, 2020. As explained in that order, applicable statutes and rules require that such a notice be provided at least 20 days before the prehearing conference. By the ALJ's calculation, such notice would have to have been sent no later than January 2, 2020. If the required notice has not been sent according to the 20-day requirement, the parties are **SHALL** notify the ALJ **as soon as possible** so that the prehearing conference may be re-set. The parties may then submit three alternative dates for a prehearing conference that would allow for proper and compliance with the 20-day requirement.

**SIGNED January 13, 2020.**

  
DANIEL WISEMAN  
ADMINISTRATIVE LAW JUDGE  
STATE OFFICE OF ADMINISTRATIVE HEARINGS

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<sup>1</sup> See 1 Tex. Admin. Code § 155.405.