



Control Number: 48819



Item Number: 122

Addendum StartPage: 0

**SOAH DOCKET NO. 473-20-1674.WS  
PUC DOCKET NO. 48819**

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<b>APPLICATION OF NORTHTOWN</b>	<b>§</b>	<b>BEFORE THE STATE OFFICE</b>
<b>ACRES WATER SUPPLY FOR</b>	<b>§</b>	<b>OF</b>
<b>AUTHORITY TO CHANGE RATES</b>	<b>§</b>	<b>ADMINISTRATIVE HEARINGS</b>

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

**I. DESCRIPTION OF CASE**

On January 18, 2019, Northtown Acres Water Supply (Northtown) filed with the Public Utility Commission of Texas (Commission) an application for a rate/tariff change (Application) under Water Certificate of Convenience and Necessity No. 11704 in Navarro County, Texas. Northtown is a Class C utility, and provides retail water utility service to approximately 175 connections or customers.

On January 18, 2019, the Commission's Administrative Law Judge (ALJ) issued Order No. 1, requiring Commission staff (Staff) to comment on the sufficiency of the Application. Based on Staff's recommendation, the Commission ALJ found the application incomplete and ordered Northtown to cure the deficiencies by March 19, 2019, noting that an application is not considered filed until it is determined to be administratively complete. On May 24, 2019, Northtown filed supplemental information; however, on May 28, 2019, the Commission ALJ found that the Application remained incomplete due to defective notice. Northtown re-noticed the proposed rate change; however, on June 18, 2019, the Commission ALJ found the re-notice was also deficient and ordered Northtown to provide new notice. On July 19, 2019, the Commission ALJ issued Commission Order No. 6 and found Northtown's Application and notice sufficient and also suspended the effective date until **May 6, 2020**,<sup>1</sup> "or until the issuance of an order setting final rates." Under Texas Water Code (TWC) § 13.1871(g), the Commission may suspend the effective date of a rate change for "not more than 265 days from the proposed effective date." Accordingly,

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<sup>1</sup> May 6, 2020, is 265 days from the proposed effective date of August 15, 2019. See TWC § 13.1871(g).

the undersigned ALJ construes Commission Order No. 6 to suspend the effective date for the *lesser of* 265 days or the issuance of an order setting final rates.

On October 16, 2019, Staff requested that the matter be referred to the State Office of Administrative Hearings (SOAH). On November 6, 2019, the Commission ALJ granted Northtown's request for interim rates to recover the cost of purchased water from the City of Corsicana. On December 18, 2019, the Commission referred this case to SOAH for a hearing, if necessary. The Order of Referral states that the Commission will consider and possibly adopt a preliminary order at an open meeting currently scheduled for January 16, 2020. The preliminary order will include a list of issues and any necessary statement of Commission policy, precedent, or position on threshold issues.

## 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 February 3, 2020**, at SOAH's hearing facility located at 300 West 15th Street, 4th Floor, Austin, Texas. At the prehearing conference, the parties should be prepared to set a procedural schedule and to discuss any pending motions as well as whether this matter should be referred to mediation.

At least 20 days before the prehearing conference, Northtown **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, Northtown must consult Staff

regarding the notice to be provided. Northtown must file **no later than January 27, 2020**, an affidavit and a copy of the notice demonstrating that it provided the notice as required.

Any person who wants to participate as a party shall file a written motion to intervene **with the Commission no later than January 15, 2020.**<sup>2</sup> Any motion shall refer to SOAH Docket No. 473-20-1674.WS and PUC Docket No. 48819, 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 48819 and press "enter." A list of the 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.

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<sup>2</sup> Commission Order No. 8 established January 15, 2020, as the intervention deadline for this proceeding.

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.

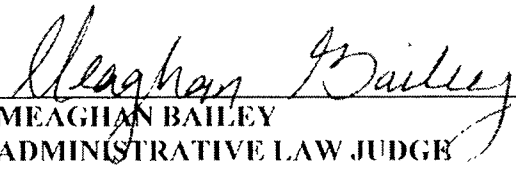
Unless otherwise specified in the Commission's procedural rules or an order issued in this case, any responses to a motion or other pleading shall be filed within **five working days** from receipt of the motion or pleading. If a party does not respond, the ALJ will assume that the party agrees with 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 20, 2019.**

  
MEAGHAN BAILEY  
ADMINISTRATIVE LAW JUDGE  
STATE OFFICE OF ADMINISTRATIVE HEARINGS

