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

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

SOAH ORDER NO. 2
ORDERING THE APPLICANT TO CONFER WITH STAFF; REQUIRING STATUS
REPORT

By SOAH Order No. 1, issued December 20, 2019, Northtown Acres Water Supply (applicant) was required to confer with staff regarding notice of the prehearing conference, to provide such notice to its customers, and by January 27, 2020, to file an affidavit along with a copy of the notice showing compliance. The order also advised that all filings must contain both SOAH and Commission docket numbers.

Specifically, the order provided the following language, with the relevant language underlined:

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.** 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.


On January 3, 2020, the applicant filed an affidavit of having provided the attached notice to its customers. The filing itself does not include the SOAH docket number 473-20-1674.WS and does not state that the applicant conferred with Staff prior to issuing the notice. The Administrative Law Judge (ALJ) finds the notice defective for the following reasons:

- It does not provide notice of the February 3, 2020, prehearing conference; and
- It does not instruct an interested person to provide the SOAH docket number.

The applicant is **ORDERED** to confer with Staff to assess whether notice may be cured in time to provide to its customers at least 20 days before the February 3, 2020, accordance with 16 Tex. Admin. Code § 24.27(d)(B) and SOAH Order No. 1.

By January 15, 2020, the parties shall file a status report regarding the notice. This requirement may be met by filing of the applicant of an affidavit and a copy of the notice demonstrating that it provided the notice as required. If the applicant is *not* able to cure the notice by that date, the parties shall submit at least three alternative dates to which to continue the prehearing conference that allow sufficient time for the applicant to provide the required notice.

SIGNED January 8, 2020.


CHRISTIAAN SIANO
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS