



Control Number: 49154



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**DOCKET NO. 49154** RECEIVED  
**SOAH DOCKET NO. 473-19-5677.WS**

2019 JUL 19 AM 10:30

**RATEPAYERS' APPEAL OF THE  
DECISION BY LAGUNA MADRE  
WATER DISTRICT TO CHANGE  
RATES**

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**STATE OFFICE OF  
PUBLIC UTILITY COMMISSION  
FILING CLERK  
ADMINISTRATIVE HEARINGS**

**JOINT RESPONSE TO SOAH'S ORDER NO. 2 REQUIRING  
PROPOSED DATES TO RESET PREHEARING CONFERENCE**

**COME NOW**, Laguna Madre Water District ("*LMWD*") and South Padre Island Golf Course via SPI Golf Homeowners JV, Inc. ("*Petitioners*") and makes and files this Joint Response to SOAH's Order No. 2 Requiring Proposed Dates to Reset Prehearing Conference.

**I. BACKGROUND**

On January 29, 2019, a group of homeowners in the South Padre Island Golf Course filed this appeal of the rates charged by the LMWD District for raw (untreated) irrigation water. In their first petition, Petitioners alleged that the rates charged by LMWD violated Texas Water Code ("*TWC*") §§ 13.043 and 13.186.

On March 8, 2019, Petitioners filed a first amended petition. The first amended petition abandons the claims under TWC §§ 13.043 and 13.186 and asserts that the Commission should, under the authority vested by TWC § 12.013, set the rate for the raw water Petitioners buy from LMWD for irrigation use.

An Order of Referral, issued by Commission Advising and Docket Management on June 21, 2019, referred the docket to the State Office of Administrative Hearings ("*SOAH*") and stated that the parties must, and Staff may, file a list of issues to be addressed in the docket by July 3, 2019. The Order of Referral also advised that the Commission will issue a preliminary order which will provide a list of issues and areas that must be addressed in this proceeding as required by the Texas

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Gov't Code § 2003.049(e) and any necessary statements of Commission policy, precedent, or position on threshold issues, or combination thereof, relevant to the proceeding as required by Texas Gov't Code § 2001.058(c). The parties and Commission each filed a list of issues before the required deadline of July 3, 2019. The Commission was expected to consider and possibly adopt a preliminary order in the open meeting scheduled to convene on July 18, 2019.

On June 28, 2019, SOAH issued Order No. 1, Filing Description, Notice of Prehearing and Conference, Mediation, and Procedures wherein SOAH issued a notice of prehearing conference setting a prehearing conference for July 24, 2019 and advising various matters will be addressed at the prehearing conference such as pending motions, a procedural schedule, applicable deadlines and possible mediation.

On July 3, 2019, the Commission issued an Order Addressing Preliminary Order advising the parties that the Commission will no longer consider a preliminary order at the July 18, 2019 meeting, but will instead address the preliminary order at its August 8, 2019 open meeting.

As a result of the Order Addressing Preliminary Order issued by the Commission, SOAH issued Order No. 2, Requiring Proposed Dates to Reset Prehearing Conference advising the parties that no later than July 19, 2019, the parties shall jointly file three proposed dates for SOAH to reset the prehearing conference. Therefore this pleading is timely filed.

## **II. PROPOSED DATES**

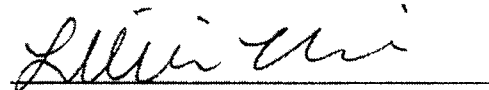
The parties have conferred and agreed that the dates of August 16th and 23<sup>rd</sup> and September 5th and 6th are available dates for SOAH to reschedule the prehearing conference.

Respectfully Submitted,



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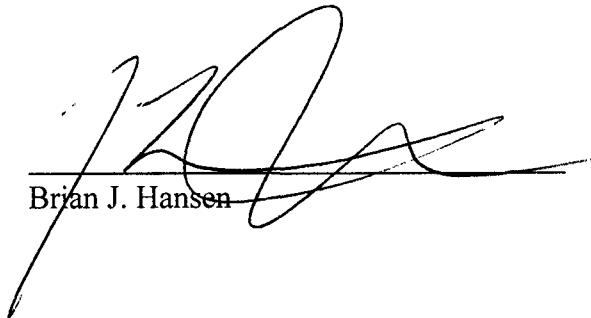
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Homeowners JV, Inc.***

**DOCKET NO. 49154**  
**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on July 18, 2019,  
in accordance with 16 TAC § 22.74.



Brian J. Hansen