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

RATEPAYERS' APPEAL OF THE DECISION BY LAGUNA MADRE WATER DISTRICT TO CHANGE RATES	§ § § § §	BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS
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**SOAH ORDER NO. 8
REQUIRING BRIEFING**

Page 7 of Dan V. Jackson's testimony states that Laguna Madre Water District was originally created under Article VXI, Section 59 of the Texas Constitution as a Fresh Water Supply District, but has since been converted to a municipal utility district governed by chapter 54 of the Texas Water Code. With limited exception, Chapter 49 of the Texas Water Code applies to all general and special law districts.¹ Section 49.2122(b) of the Water Code provides that "[a] district is presumed to have weighed and considered appropriate factors and to have properly established charges, fees, rentals, and deposits absent a showing that the district acted arbitrarily and capriciously." Commission Rules provide that "[t]o the extent of a conflict between this subsection and TWC § 49.2122, TWC § 49.2122 prevails."² The applicability of section 49.2122 was not addressed in the Commission's August 8, 2019 preliminary order. To ensure that this matter is decided according to the appropriate legal standard, the parties shall brief the following issues:

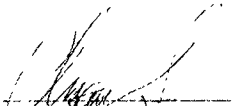
1. The applicability of section 49.2122 to this proceeding;
2. What is the standard of proof;
3. Who bears the burden of proof;
4. Whether any adjustments to the procedural schedule are appropriate.

¹ TWC § 49.002(a).

² 16 TAC § 24.101(i).

Initial briefs shall be **due no later than January 24, 2020**, and responses shall be due no later than January 31, 2020.

SIGNED December 20, 2019.


CHRISTIAAN SIANO
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS