

Control Number: 49189



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**SOAH DOCKET NO. 473-19-6297.WS
PUC DOCKET NO. 49189**

**APPLICATION OF THE CITY OF
AUSTIN DBA AUSTIN WATER FOR
AUTHORITY TO CHANGE WATER
AND WASTEWATER RATES**

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BEFORE THE STATE OFFICE

2019 JUL 23 PM 4:43
PUC OF UTILITY COMMISSION
FILING CLERK

ADMINISTRATIVE HEARINGS

SOAH ORDER NO. 1

**CASE DESCRIPTION, REQUIRING DATES FOR PREHEARING
CONFERENCE, AND FILING REQUIREMENTS**

I. CASE DESCRIPTION

On March 15, 2019, the City of Austin dba Austin Water filed an application under Texas Water Code (TWC) § 13.044(b) and in compliance with the Commission's order on rehearing in Docket No. 42857¹ for authority to change its water and wastewater rates. The Commission has jurisdiction over this matter pursuant to Texas Water Code §§ 13.041 and 13.044.

On July 22, 2019, the Commission referred this case to the State Office of Administrative Hearings (SOAH), requesting the assignment of an Administrative Law Judge (ALJ) to conduct a hearing and issue a proposal for decision, if necessary. SOAH has jurisdiction over matters relating to the conduct of the hearing in this proceeding pursuant to Texas Government Code § 2003.049. In its referral order, the Commission stated it will issue a list of issues to be addressed in the case and adopt a preliminary order. Austin Water, Commission Staff, and any other interested parties were permitted to file a list of issues to be addressed in the docket by May 17, 2019.

II. NOTICE OF PREHEARING CONFERENCE

The undersigned ALJ will convene a prehearing conference at **10:00 a.m., August 7, 2019**, at the State Office of Administrative Hearings, William P. Clements State Office Building,

¹ *Petition of the North Austin Municipal Utility District No. 1, Northtown Municipal Utility District, Travis County Water Control and Improvement District No. 10, and Wells Branch Municipal Utility District from the Ratemaking Actions of the City of Austin and Request for Interim Rates in Williamson and Travis Counties*, Docket No. 42857, Order on Hearing (Jan. 14, 2016).


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300 West 15th Street, Fourth Floor, Austin, Texas. Those attending the prehearing conference must check in with building security personnel in the lobby of the William P. Clements Building and be issued visitor badges before proceeding to the hearing room. The parties should allow sufficient time for the check-in procedure.

At the prehearing conference, the following matters will be discussed:

- Pending motions filed by 3:00 p.m. on August 2, 2019;
- A procedural schedule; and
- Any other matters that may assist in the disposition of this case in a fair and efficient manner.

III. PROCEDURES

A. Filing Procedures

The rules setting out how to file documents are available on the Commission's website at www.puc.texas.gov, in Subchapter E of the Commission's procedural rules. Further instructions are available at <http://www.puc.texas.gov/industry/filings/FilingProceed.aspx>.

All pleadings must contain both the SOAH and PUC docket numbers and be filed with the Commission's Central Records (not with SOAH). The Commission's filing clerk will forward a copy of the pleadings to SOAH. Pleadings and other documents shall be deemed filed when the proper number of legible copies is presented to the PUC filing clerk for filing.

B. Service Procedures

A copy of any document filed with the Commission must also be served on (given to) all parties. All parties shall provide their current telephone and facsimile number, if available, and email address, if available, to all other parties.

To receive service from SOAH by email, click on E-Services on SOAH's website, www.soah.texas.gov, for information and the form to request email service. Otherwise, parties will receive all orders and other case related correspondence by first class mail or by fax.

C. Motions

Motions for continuance shall be governed by 16 Texas Administrative Code § 22.79. If a continuance or extension of time is sought, the motion shall propose a new date or dates and shall 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, a proposed range of dates would be preferable. The ALJ will not contact parties to ascertain their position or to negotiate dates. In the absence of a ruling by the ALJ, a contested motion for continuance or extension is not granted and the existing schedule remains in place.


Unless otherwise specified in the applicable procedural rules, responses to any motion or other pleading shall be filed within five working days from receipt of the motion or pleading. The response shall state the date of receipt of the motion or pleading to which a response is made. If a party does not respond to a motion, the ALJ will assume that the party agrees with the motion or does not oppose the requested relief.

D. Other Procedural Matters

Any matters not addressed by this order shall be governed by the procedural rules of the Commission, which are available for viewing and downloading from the Commission's website at www.puc.texas.gov.

Discovery may begin immediately pursuant to Subchapter H of the Commission's procedural rules.

SIGNED July 23, 2019.


CHRISTIAAN SIANO
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS