



Control Number: 49261



Item Number: 26

Addendum StartPage: 0

SOAH DOCKET NO. 473-20-1120 WS
PUC DOCKET NO. 49261

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COMPLAINT OF MICHAEL E. MOORE §
AGAINST C WILLOW WATER §
COMPANY §
§
§

BEFORE THE STATE OFFICE

PUBLIC UTILITY COMMISSION

FILING CLERK

OF

ADMINISTRATIVE HEARINGS

SOAH ORDER NO. 1
FILING DESCRIPTION, NOTICE OF PREHEARING CONFERENCE,
AND PROCEDURES

I. FILING DESCRIPTION

On February 26, 2019, Michael E. Moore (Complainant) filed a complaint against C Willow Water Company (C Willow) regarding water billing and related charges. The complaint was filed pursuant to 16 Texas Administrative Code § 22.242. On March 19, 2019, C Willow filed its response to the complaint.

On November 13, 2019, the Public Utility Commission of Texas (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. The Commission has jurisdiction over this case under Texas Water Code § 13.041. SOAH has jurisdiction over matters relating to the conduct of the hearing in these proceedings pursuant to Texas Government Code § 2003.049. In its referral order, the Commission set a November 21, 2019 deadline for the parties to file a list of issues to be addressed in this proceeding. On November 21, 2019, the Commission granted the parties' agreed motion for extension. The deadline for the list of issues is December 2, 2019. The Commission will consider and possibly adopt a preliminary order in this docket in its open meeting currently scheduled to convene on December 13, 2019.

20

II. NOTICE OF PREHEARING CONFERENCE

The undersigned Administrative Law Judge will convene **a prehearing conference at 10:00 a.m. on January 15, 2020**, at the State Office of Administrative Hearings, William P. Clements State Office Building, 300 West 15th Street, Fourth Floor, Austin, Texas. Those attending the prehearing conference are advised that they 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.

Any party wishing to participate by phone may do so by filing a letter requesting to appear by phone along with a phone number where they can be reached. The letter must also affirm that the person attending the prehearing conference by telephone is the same person writing the request.

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

1. Pending motions filed by 3:00 p.m. on January 9, 2020;
2. The possibility of mediation;
3. A procedural schedule; and
4. Any other matters that may assist in the disposition of this case in a fair and efficient manner.

The parties should confer before the prehearing conference regarding the procedural schedule that will apply in this case. Any proposed procedural schedule must include, at a minimum, deadlines for discovery and prefiled testimony, and three alternative dates for the hearing on the merits.

III. PROCEDURES

A. Filing Procedures

Parties are expected to know how to file documents. The rules setting out how to file documents are found in Subchapter E of the Commission's procedural rules, which are available for viewing and downloading from the Commission's website at www.puc.texas.gov.¹ Pleadings and other documents shall be deemed filed when the proper number of legible copies is presented to the PUC filing clerk for filing. **All pleadings must contain both the SOAH and PUC docket numbers to allow for efficient processing.**

All pleadings shall be filed with the Commission's filing clerk, not with the SOAH filing clerk. The Commission's filing clerk will forward a copy of the pleadings to SOAH. Parties wishing to hand-deliver a file-stamped copy of a pleading to the ALJ should deliver it to Room 504, 5th Floor, Clements Building, 300 W. 15th St., Austin, Texas.

B. Service Procedures

A copy of any document filed with the Commission must also be served on (given to) all parties. A copy of the service list, listing all parties, is attached to this order for the parties' convenience. All parties shall provide their current telephone and facsimile number, if available, and email address, if available, to all other parties.

All mail sent to the parties by the ALJ will be sent by first class mail or by fax. However, SOAH has implemented service by email for proposals for decision, orders, and other case-related documents and communications in general docket cases. If you would like to receive service by

¹ For those parties who may not be familiar with the Commission's processes, all PUC filings are available for viewing and downloading from the Commission's website at <http://www.puc.texas.gov>. Once there, click on "Filings," then click on "Filings Search," then click on "Filings Search," again. Then type in the control number, "49261," and click on "Search." A list of documents filed in this docket will appear and you may access those documents by clicking on the document number.

email from SOAH, please go to SOAH's website, www.soah.texas.gov, for information and the form to request email service. Click on E-Services and follow the links to submit the form.

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 November 26, 2019.

A handwritten signature in cursive script, reading "L Brite", positioned above a horizontal line.

LINDA H. BRITE
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS