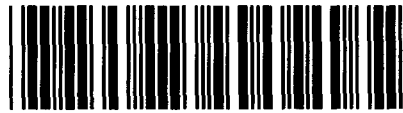


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**SOAH DOCKET NO. 473-19-5674.WS**  
**PUC DOCKET NO. 49351**

2019 JUL 11 AM 9:35

**RATEPAYERS' APPEAL OF THE** §  
**DECISION BY BEAR CREEK SPECIAL** §  
**UTILITY DISTRICT TO CHANGE** §  
**RATES** §  
§

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

**SOAH ORDER NO. 1**  
**CASE DESCRIPTION; REQUIRING SUBMISSION OF AGREED PROCEDURAL**  
**SCHEDULE AND CONSIDERATION OF MEDIATION; AND GENERAL**  
**PROCEDURAL REQUIREMENTS**

**I. CASE DESCRIPTION**

On March 18, 2019, ratepayers (Ratepayers) of Bear Creek Special Utility District (Bear Creek) filed with the Public Utility Commission of Texas (Commission) a petition to appeal the change in retail rates adopted by Bear Creek effective December 18, 2018. The appeal is filed pursuant to Texas Water Code § 13.043, which permits a ratepayer to appeal a decision regarding water and sewer service rates within 90 days of the effective date of the rate change, so long as the petition initiating the appeal is signed by the lesser of 10,000 or 10 percent of those ratepayers whose rates have been changed and are eligible to appeal. Staff found that the number of petitioners exceeds ten percent of the customer amount of 238. Based on these findings, Staff recommended the petition be declared administratively complete and that the appeal be referred to the State Office of Administrative Hearings (SOAH) for an evidentiary hearing.

On June 21, 2019, the Commission referred this case to the State Office of Administrative Hearings (SOAH), requesting the assignment of a SOAH ALJ to conduct a hearing and issue a proposal for decision, if such is necessary. The Commission has jurisdiction over this matter pursuant to Texas Water Code § 13.043. SOAH has jurisdiction over matters in this case relating to the conduct of the hearing and issuance of a proposal for decision, if needed, pursuant to Texas Government Code § 2003.049.

In its referral order, the Commission required certain ratepayers and Bear Creek to file a list of issues by July 3, 2019, and allowed Commission Staff and other parties to file lists of issues by that date if they so desired. The referral order stated that the Commission will consider and possibly adopt a preliminary order in this matter at its July 18, 2019, open meeting.

## **II. REQUIRMENT TO SUBMIT AGREED PROCEDURAL SCHEDULE AND CONSIDERATION OF MEDIATION**

The parties shall confer and, **no later than July 25, 2019**, submit an agreed procedural schedule which includes at least three proposed evidentiary hearing dates for consideration by the ALJ. If the parties are unable to agree on a schedule, they shall file a pleading to that effect and request a prehearing conference to discuss a procedural schedule. The parties (including Commission Staff) should also confer to determine if this case potentially could be resolved through mediation. If the parties are amenable to mediation, the ALJ can refer this case to mediation within SOAH to other ALJs who are certified mediators. In the response due by July 25, 2019, the parties should indicate whether they request that this case be referred to mediation.

## **III. GENERAL PROCEDURAL REQUIREMENTS**

### **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 on the Commission's website at the following link: <http://www.puc.texas.gov/agency/rulesnlaws/procrules/Procedural.aspx>.<sup>1</sup> These procedural rules will govern this proceeding, and the parties are expected to comply with these rules.

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<sup>1</sup> 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," at the top of the page, then click on "Filings Search," then click on "Filings Search," again. Then type in the control number, "49351," 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.

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, William P. Clements Building, 300 West 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. Parties must contact the ALJ's legal secretary, Lee Curry at [lee.curry@soah.texas.gov](mailto:lee.curry@soah.texas.gov) as soon as possible to correct any errors in the attached service list.

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 email from SOAH, please go to SOAH's website, [www.soah.texas.gov](http://www.soah.texas.gov), for information and the form to request email service. Click on the "E-Services" link at the top of the home page.


**C. Representing Yourself**

There is information regarding contested case hearings on the SOAH website that can be accessed by clicking the "General Hearings" link under the "Representing Yourself" tab found at the top of the home page. This information is intended for parties that are not represented by an attorney, and it can also be obtained in printed format upon request to SOAH.

**D. Questions**

Routine procedural and logistical questions, may be directed to the ALJ's legal secretary, Lee Curry at [lee.curry@soah.texas.gov](mailto:lee.curry@soah.texas.gov). SOAH support personnel may not provide advice or interpret law or orders for the parties.

**SIGNED July 11, 2019.**



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**LINDA BRITE  
ADMINISTRATIVE LAW JUDGE  
STATE OFFICE OF ADMINISTRATIVE HEARINGS**