

Control Number: 49367



Item Number: 23

Addendum StartPage: 0

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PETITION BY OUT OF DISTRICT § BEFORE THE  
RATEPAYERS APPEALING THE § PUBLIC UTILITY COMMISSION  
WATER RATES ESTABLISHED BY § FILING CLERK  
THE EL PASO WATER CONTROL § PUBLIC UTILITY COMMISSION  
AND IMPROVEMENT DISTRICT NO. 4 § OF TEXAS

**EL PASO COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT  
NO. 4'S MOTION TO ABATE DISCOVERY**

TO THE HONORABLE SOAH ADMINISTRATIVE LAW JUDGE:

COMES NOW, El Paso Water Control and Improvement District No. 4 ("District"), and files this Motion to Abate Discovery, and would respectfully show as follows:

**I. BACKGROUND**

On June 27, 2019, the Public Utility Commission of Texas ("Commission") entered an Order of Referral in the above-referenced matter referring this rate appeal to the State Office of Administrative Hearings ("SOAH"). The Commission requests that an administrative law judge be assigned to conduct a hearing and resolve all issues contested by the parties. The Order of Referral further requests that the District and out-of-district ratepayers assist the Commission in preparing a preliminary order by requiring that each party prepare and submit a list of issues to be addressed in this proceeding, including threshold legal and policy issues. The parties must submit their list of issues by no later than July 17, 2019. Since this matter has been referred to SOAH, the District directs its motion to the SOAH administrative law judge, but seeks relief from either the Commission or the SOAH administrative law judge.

To date, while awaiting the entry of a referral order, the District is the only party to be burdened with costly and time-consuming discovery requests. In addition to the discovery already propounded and responded to, the District has pending discovery response deadlines to the Commission's Staff and the out-of-district ratepayers, respectively. The District's initial discovery

23

responses to the Commission were made without objection, in good faith, and in the interest of cooperation. However, permitting additional discovery, at this stage of the proceeding, without the benefit of a prehearing conference with the SOAH administrative law judge, without the entry of a procedural schedule, and without a clear identification of the issues on appeal, is unfairly burdensome, unjust, and prejudicial to the District.

## II. PRAYER

For the foregoing reasons, the District respectfully requests that all pending discovery be abated until a prehearing conference has occurred with the SOAH administrative law judge assigned to this appeal.

Respectfully submitted,

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NO. 4

**CERTIFICATE OF SERVICE**

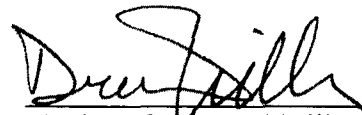
I hereby certify that I have served or will serve a true and correct copy of the foregoing document (including all attachments) via hand delivery, facsimile, electronic mail, overnight mail, U.S. mail and/or Certified Mail/Return-Receipt Requested to counsel for all parties on this 3rd day of July, 2019, including:

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