



Control Number: 49367



Item Number: 26

Addendum StartPage: 0

SOAH DOCKET NO. 473-19-5831.WS  
PUC DOCKET NO. 49367

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PETITION BY OUT OF DISTRICT § BEFORE THE STATE OFFICE  
RATEPAYERS APPEALING THE §  
WATER RATES ESTABLISHED BY § OF  
THE EL PASO WATER CONTROL §  
AND IMPROVEMENT DISTRICT NO. 4 § ADMINISTRATIVE HEARINGS

SOAH ORDER NO. 1  
DENYING MOTION TO ABATE; SOLICITING DATES FOR PREHEARING  
CONFERENCE; AND ADDRESSING MEDIATION

On July 8, 2019, the attorneys for the El Paso Water Control and Improvement District No. 4 (District) filed a motion to abate discovery. The basis for the District’s abatement request is due to the preliminary order pending before the Public Utility Commission of Texas that is set to be considered on August 8, 2019. The District also noted that the continuation of discovery would be burdensome, time consuming, and prejudicial. On July 10, 2019, Staff of the Public Utility Commission of Texas opposed the motion to abate discovery and requested that the motion be denied. On July 11, 2019, the Out-of-District Ratepayers filed a response to the District’s motion to abate and requested that it be denied. The attorneys for the Out-of-District Ratepayers stated that the ratepayers are permitted to seek Requests for Information at any time after the application is filed under 16 Texas Administrative Code § 22.144. The Out-of-District Ratepayers also pointed out that there are other remedies for limiting improper discovery available to the District. The District did not meet and confer with parties or identify any opposition to the abatement request before filing their motion to abate.

The motion to abate is **DENIED**. No later than **July 16, 2019**, the parties shall file four proposed dates for a prehearing conference to be scheduled in July or August. The proposed dates may not all be in the same week.



## I. MEDIATION

No later than **July 16, 2019**, parties shall file a joint status report indicating whether the parties desire to participate in mediation following the prehearing conference to be set. If parties desire to take advantage of mediation, a State Office of Administrative Hearings mediator may be available upon request.

For more information on mediation parties may visit the following link that provides additional information on the mediation processes <http://www.soah.texas.gov/Hearings-And-Mediation/mediation.html>.

## II. ATTORNEYS OF RECORD

The attorney of record for the Out-of-District Ratepayers shall provide contact information, which should include a mailing address, telephone number, and fax number for the service list.

**SIGNED: July 12, 2019.**

  
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GABRIEL P. SOTO  
ADMINISTRATIVE LAW JUDGE  
STATE OFFICE OF ADMINISTRATIVE HEARINGS