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

**MEDIATION STATUS REPORT AND
AGREED MODIFICATION OF PROCEDURAL SCHEDULE**

TO THE HONORABLE ADMINISTRATIVE LAW JUDGE:

COMES NOW El Paso County Water Control & Improvement District No. 4 (the “District”) and files this Mediation Status Report and Agreed Modification of Procedural Schedule in the above-styled and numbered proceeding.

I. BACKGROUND

On August 30, 2019, the District filed its Mediation Status Report informing the Honorable ALJ that the parties had agreed to mediate the rate-increase dispute, but were still working out the details, including timing. At that time, the District was proposing that mediation take place in late October 2019.

On September 5, 2019, the Ratepayers filed their Joint Status Report on Mediation. In that report, Ratepayers stated that they were seeking to mediate the dispute in the Month of September, and had requested that mediation take place in El Paso, Texas. The Ratepayers also informed the ALJ that they would not be available to mediate in the month of October, as proposed by the District. While Ratepayers indicated that the parties agree that mediation would be beneficial, they offered the view that it appears mediation is unlikely at this stage.

II. MEDIATION STATUS REPORT

Since the filing of the previous mediation status reports, the Parties have engaged in fruitful discussions, and with the assistance of Holly Vandrovec¹, the Parties have agreed to mediate on November 12, 2019, in El Paso, Texas. By having the mediation take place in El Paso, representatives for both sides will be able to attend in person thus limiting costs for both parties. Ms. Vandrovec has adjusted her schedule to accommodate travel to El Paso to mediate the dispute. Counsel for the Commission Staff has stated that they will participate in the mediation via telephone. Thus, all issues that previously casted doubt on whether mediation would take place have been resolved and the Parties are now set to mediate on November 12, 2019 in El Paso, Texas.

III. AGREED MODIFICATIONS TO PROCEDURAL SCHEDULE

As a result of the mediation date of November 12, 2019, the Parties have revisited the Procedural Schedule adopted in SOAH Order No. 5, and partially amended by SOAH Order No. 7. The parties have agreed on further modifications to the procedural schedule in order to accommodate the mediation date, and to preserve the benefits of mediation, which includes primarily the possibility of resolving the dispute prior to incurring significant costs in preparing for a hearing on the merits. The agreed modifications to the procedural schedule do not modify the dates for the prehearing conference and the hearing on the merits.² These modifications are not made for the purpose of delay, but so that the case can proceed in an efficient manner.

The new procedural schedule which includes the agreed-to modifications is set forth below:

MODIFIED PROCEDURAL SCHEDULE	
Event	Date
District direct testimony	December 6, 2019

¹ SOAH Administrative Law Judge and Mediator

² SOAH Order No. 5 provides that any of the procedural schedule deadlines may be modified by written agreement of all parties filed with the ALJ, except the dates for the prehearing conference and the hearing on the merits, which may only be modified by order of the ALJ upon proper motion.

Petitioners direct testimony	January 13, 2019
Staff direct testimony	February 10, 2020
Deadline to propound discovery on direct cases	February 17, 2020
Deadline to conduct depositions on direct testimony	March 9, 2020
Deadline for District to file rebuttal testimony	March 27, 2020
Deadline for filing of dispositive motions, motions for summary disposition, and/or motions for partial summary disposition	April 6, 2020
Deadline for filing of responses to dispositive motions, motions for summary disposition, and/or motion's for partial summary disposition	April 20, 2020
Prehearing Conference, if requested by April 21, 2020	May 5, 2020
Hearing on the merits	May 6, 2020 at 10:00AM

IV. CONCLUSION

The District respectfully requests that the Honorable ALJ allow the Parties to mediate on November 12, 2019 in El Paso, Texas, and that he take note of the new/modified procedural schedule set forth above.

Respectfully submitted,

By:



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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 18th day of September, 2019, including:

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