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SOAH DOCKET NO. 473-20-1427.WS
PUC DOCKET NO. 49464

APPLICATION OF DREW T. SPENCER §
DBA CYPRESSWOOD ESTATES §
WATER SYSTEM AND SOUTH COAST §
UTILITIES, LLC FOR SALE, §
TRANSFER, OR MERGER OF §
FACILITIES AND CERTIFICATE §
RIGHTS IN MONTGOMERY COUNTY §

BEFORE THE STATE OFFICE
2019 DEC -4 AM 11:08
PUBLIC UTILITY COMMISSION
FILING CLERK OF
ADMINISTRATIVE HEARINGS

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

I. FILING DESCRIPTION

On April 18, 2019, Drew T. Spencer dba Cypress Estates Water System and South Coast Utilities, LLC filed an application for Sale, Transfer, or Merger of facilities and certificate rights in Montgomery County. On May 22, 2019, the Public Utility Commission of Texas (Commission) found the application incomplete, but on July 23, 2019, based on supplemental information, the application was found to be administratively complete, and notice was found sufficient on August 21, 2019. On November 1, 2019, Staff requested a hearing. The Commission issued an Order of Referral on December 2, 2019, referring the case to the State Office of Administrative Hearings for assignment of an Administrative Law Judge (ALJ) to conduct a hearing. The Commission will consider and possibly adopt a preliminary order in the open meeting currently scheduled to convene on January 16, 2020.

II. NOTICE OF PREHEARING CONFERENCE

The undersigned ALJ will convene a **prehearing conference at 10:00 a.m., 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 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.

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

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1. Pending motions;
2. A procedural schedule;
3. Whether this matter is appropriate for mediation; and
4. Any other matters that may assist in the disposition of this case in a fair and efficient manner.

III. PROCEDURES

A. Filing Procedures

The rules setting out how to file documents are available on the Commission's website at www.puc.texas.gov, in Subchapter E of the Commission's procedural rules.¹ Further instructions are available at <http://www.puc.texas.gov/industry/filings/FilingProceed.aspx>.

All pleadings must contain both the SOAH and PUC docket numbers and be filed with the Commission's Central Records (not with SOAH). The Commission's filing clerk will forward a copy of the pleadings to SOAH. Pleadings and other documents shall be deemed filed when the proper number of legible copies is presented to the PUC filing clerk for filing.

B. Service Procedures

A copy of any document filed with the Commission must also be served on (given to) all parties. All parties shall provide their current telephone and facsimile number, if available, and email address, if available, to all other parties.

To receive service from SOAH by email, click on E-Services on SOAH's website, www.soah.texas.gov, for information and the form to request email service. Otherwise, parties will receive all orders and other case related correspondence by first class mail or by fax.

¹ All PUC filings are available on the Commission's website under Filings: click on "Filings Search," and enter the control number 49464, and click "Search." A list of documents filed in this docket will appear and you may access those documents by clicking on the document number.

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 December 4, 2019.


CHRISTIAAN SIANO
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS