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**SOAH DOCKET NO. 473-20-3997.WS
PUC DOCKET NO. 49926**



APPLICATION OF CRYSTAL CLEAR SPECIAL UTILITY DISTRICT FOR A NAME CHANGE AND TO AMEND ITS SEWER CERTIFICATE OF CONVENIENCE AND NECESSITY IN COMAL, HAYS, AND GUADALUPE COUNTIES	§ § § § § § §	BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS
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**SOAH ORDER NO. 1
CASE DESCRIPTION, JURISDICTION, FILING DEADLINE,
AND GENERAL PROCEDURES**

I. CASE DESCRIPTION

On September 3, 2019, Crystal Clear Special Utility District (Crystal Clear) filed an application with the Public Utility Commission of Texas (Commission) to amend its certificate of convenience and necessity (CCN) in Comal, Hays, and Guadalupe counties. Crystal Clear also seeks approval of a change in its name. In orders issued by a Commission administrative law judge (ALJ), the application and proposed notice were found to be sufficient and interventions by the City of San Marcos, Carson Select Investments, LP, and MCLB Land, LLC were granted.

On June 16, 2020, the Commission referred this case to the State Office of Administrative Hearings (SOAH) for hearing and issuance of a proposal for decision, if necessary. The Order of Referral indicates that the Commission will consider and possibly adopt a preliminary order in this case at an open meeting currently set for July 16, 2020. The Order of Referral also states that the preliminary order will contain a list of the issues to be addressed and any necessary statement of Commission policy, precedent, or position on any threshold legal or policy issues, and sets a June 29, 2020 deadline for the parties to file lists of issues for the Commission to consider.

II. JURISDICTION

The Commission has jurisdiction over this matter pursuant to Texas Water Code §§ 13.242-13.250. SOAH has jurisdiction over matters relating to the conduct of the hearing and issuance of a proposal for decision, if needed, pursuant to Texas Government Code § 2003.049.

III. FILING DEADLINE

The parties **SHALL** confer and, **no later than July 6, 2020**, file either an agreed proposed procedural schedule or, if they cannot agree, their proposed procedural schedules and a request for prehearing conference. Any proposed procedural schedule shall indicate the expected length of the hearing and propose three alternative hearing date(s) in three different weeks.

IV. GENERAL PROCEDURES

All Commission filings are available for viewing and downloading from the Commission's website at <http://www.puc.texas.gov/>. Once there, click "Filings," then "Filings Search," then type in the control number 49926 and press "enter." A list of documents filed in this docket will appear and those documents (with a few exceptions such as confidential documents) can be accessed by clicking on the document number.

The Commission's procedural rules are available on its website at <http://www.puc.texas.gov/agency/ruleslaws/procrules/Procedural.aspx>. The procedural rules will govern the conduct of this case.

SOAH and Commission procedural requirements have changed during the COVID-19 emergency. Examples of changes include filing and service requirements, hours and procedures to make deliveries, and use of remote technologies to conduct proceedings. Parties should review the Commission and SOAH websites as needed to ensure they understand and comply with the

requirements in effect.¹ Documents issued by SOAH will be served by email, and parties shall ensure that the service list contains the email address at which they should be served.

Only one address per party will be included on the official service list maintained by SOAH. Changes to the service list, and routine procedural and logistical questions, may be directed to Erin Hurley at 512-475-3419 or erin.hurley@soah.texas.gov. SOAH support personnel may not provide advice or interpret orders or regulations for the parties.

A. Filing and Service

All filings shall contain both the SOAH and Commission docket numbers. Filings are deemed to have been made when the proper number of legible copies is presented to the Commission filing clerk for filing. When a party files a document with the Commission, that party must also serve (*i.e.*, provide a copy of that document to) every other party.

B. Motions

A motion seeking a continuance or extension of time **SHALL** propose a new date or dates and state whether the other parties agree to the new date or dates.

Unless otherwise allowed by rule or order, any response to a motion or other pleading shall be filed within **five working days** from receipt of the motion or pleading. If a party does not respond, the ALJ will assume that the party agrees with or does not oppose the relief requested.

C. Discovery


Discovery may begin immediately in compliance with the Commission's procedural rules and orders issued in this case. Copies of requests for information (RFIs) and objections and

¹ See, e.g., the most recent emergency order relating to COVID-19 issued by SOAH's Chief Administrative Law Judge, and related information, available at <http://www.soah.texas.gov>; *Issues Related to the State of Disaster for the Coronavirus Disease 2019*, Docket No. 50664, Order Suspending Rules (Mar. 16, 2020).

responses to RFIs will not be provided to the ALJ. If a party files a motion to compel responses to discovery, the motion shall include every RFI and objection to which the motion applies. Any affidavits supporting an objection, motion to compel, or response shall be attached to the relevant document. The ALJ will resolve discovery disputes based on the written documents, any sworn affidavits attached thereto, and materials, if any, provided for *in camera* inspection, unless the ALJ concludes that a prehearing conference on the discovery dispute should be held.

If a party seeks *in camera* review of documents in accordance with 16 Texas Administrative Code § 22.144(g), the party will submit the documents to the ALJ at SOAH. Documents submitted for review should not be filed with the Commission filing clerk. If they are filed with the Commission filing clerk, even inadvertently, the documents may not be physically removed from the Commission. Further, any claim to privilege or exemption may be waived by the filing.

SIGNED June 19, 2020.



ELIZABETH DREWS
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS