



Control Number: 50367



Item Number: 19

Addendum StartPage: 0

SOAH DOCKET NO. 473-20-3820.WS
PUC DOCKET NO. 50367



COMPLAINT OF CHAD SWAHN
AGAINST SHADY OAKS WATER
SUPPLY COMPANY, LLC

§
§
§

PUBLIC UTILITY COMMISSION
OF TEXAS

**COMMISSION STAFF'S MOTION TO COMPEL AND TO SUSPEND THE
PROCEDURAL SCHEDULE**

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this Motion to Compel and to Suspend the Procedural Schedule. In support, Staff shows the following:

I. BACKGROUND

On December 16, 2019, Chad Swahn (Swahn) filed a complaint against Shady Oaks Water Supply Company, LLC (Shady Oaks) alleging overcharges for water service. On May 11, 2020, Staff filed its First Requests for Information (RFI) from Shady Oaks, making Shady Oaks' responses to those RFIs due by June 1, 2020. On July 9, 2020 SOAH Order No. 2 was issued giving Shady Oaks until August 7, 2020 to file direct testimony. Therefore, this pleading is timely filed.

II. MOTION TO COMPEL

Pursuant to 16 Texas Administrative Code 22.144(c)(1) a party must respond to requests for information (RFI) within twenty days of receipt of the request. Staff issued requests for information to Shady Oaks on May 11, 2020. Staff has been in communication with Shady Oaks in an effort to avoid the need to file a motion to compel. Shady Oaks has communicated to Staff on multiple occasions that it is preparing to file its RFI responses; however, as of the date of this filing the responses have still not been filed. Staff has acted in good faith to give Shady Oaks ample time to file its responses because Shady Oaks is not represented by counsel. Therefore, Staff respectfully requests that the administrative law judge (ALJ) compel Shady Oaks to respond to Staff's RFIs.

III. MOTION TO SUSPEND PROCEDURAL SCHEDULE

Shady Oaks was required to file direct testimony by August 7, 2020, pursuant to SOAH Order No. 2, and has failed to make the required filing. Staff should not be required to file its direct testimony until after Shady Oak's direct testimony has been filed in accordance with agreed procedural schedule adopted in this proceeding. Thus, Staff respectfully requests that the procedural schedule be suspended and that the parties be given until September 4, 2020 to confer and file a new procedural schedule.

IV. CONCLUSION

Staff respectfully requests an order consistent with the above motions.

Dated: August 18, 2020

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Rachelle Nicolette Robles
Division Director

Heath D. Armstrong
Managing Attorney

/s/ Robert Dakota Parish
Robert Dakota Parish
State Bar No. 24116875
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7442
(512) 936-7268 (facsimile)
Robert.Parish@puc.texas.gov

**SOAH DOCKET NO. 473-20-3820.WS
PUC DOCKET NO. 50367**

CERTIFICATE OF SERVICE

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on August 18, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Robert Dakota Parish
Robert Dakota Parish