



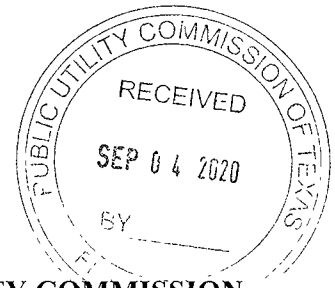
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**SOAH DOCKET NO. 473-20-3820.WS
PUC DOCKET NO. 50367**



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

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**PUBLIC UTILITY COMMISSION
OF TEXAS**

**COMMISSION STAFF'S PROPOSED PROCEDURAL SCHEDULE AND COMMENTS
ON MOTION TO COMPEL**

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this Proposed Procedural Schedule and Comments on Motion to Compel in response to SOAH Order No. 3. 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 August 26, 2020 SOAH Order No. 3 established a deadline for Shady Oaks of five working days from the date of the order to respond to Staff's First Request for Information (First RFI), making Shady Oaks' deadline September 2, 2020. Further, SOAH Order No. 3 required the parties to file a proposed procedural schedule by September 4, 2020. Therefore, this pleading is timely filed.

II. PROPOSED PROCEDURAL SCHEDULE

Staff proposes, and Swahn has agreed to, the following procedural schedule. Shady Oaks did not respond to Staff's multiple attempts to acquire Shady Oaks agreement to the procedural schedule.

Event	Date
Shady Oaks Direct Testimony	09/18/20
Objections to Shady Oaks Direct Testimony	09/25/20
Reply to Objections to Shady Oaks Direct Testimony	10/02/20

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Discovery Deadline for Shady Oaks Direct Testimony	10/09/20
Staff Direct Testimony	10/19/20
Objections to Staff Direct Testimony	10/26/20
Reply to Objections to Staff Direct Testimony	11/02/20
Discovery Deadline on Staff Direct Testimony	11/02/20
Swahn Rebuttal Testimony	11/09/20
Objections to Swahn Rebuttal Testimony	11/16/20
Reply to Objections to Swahn Rebuttal Testimony	11/23/20
Discovery Deadline on Swahn Rebuttal Testimony	11/23/20
Hearing on the Merits (potential dates)	01/12/21 01/13/21 01/14/21
Initial Briefs	01/29/21
Reply Briefs	02/19/21

III. COMMENTS ON MOTION TO COMPEL

Shady Oaks was ordered to respond to Staff's First RFI by September 2, 2020. Shady Oaks has failed to comply with SOAH Order No. 3 and has not provided responses to Staff's first request for information. Further, Staff requested this information on May 11, 2020 which is over 115 days from the date of this filing. Shady Oaks has clearly abused the discovery process in failing to timely answer Staff's requests for information and failing to comply with SOAH Order No. 3 compelling Shady Oaks to respond. The failure of Shady Oaks to comply means that a decision on possible relief for the complainant, Swahn, has been substantially delayed. Therefore, Staff respectfully requests that Shady Oaks be required to immediately respond to Staff's First RFI.

IV. CONCLUSION

Staff respectfully requests that Shady Oaks be required to immediately respond to Staff's First RFI and that the above procedural schedule be adopted.

Dated: September 4, 2020

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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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 September 4, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Robert Dakota Parish
Robert Dakota Parish