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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	§ § § § §	BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS
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**SOAH ORDER NO. 6
ALLOWING PARTIES TO REQUEST A HEARING ON SANCTIONS**

On November 5, 2020, the staff (Staff) of the Public Utility Commission (Commission) filed a Motion for Sanctions and to Lift Abatement. Staff's Motion seeks sanctions¹ against Shady Oaks for its failure to comply with the Administrative Law Judge's (ALJ) orders to respond to Staff's Requests for Information (RFIs).

Staff's motion seeks the following sanctions against Shady Oaks:²

- Shady Oaks be disallowed from filing Direct Testimony in this docket;
- Shady Oaks be disallowed from providing any form of written or oral direct testimony at the Hearing on the Merits in this docket;
- A negative inference be drawn against Shady Oaks regarding Staff Request for Information Nos. 1-1, 1-2, 1-3, 1-5, 1-6, 1-7, 1-10, 1-12, 1-15 for failure to provide Staff the information requested;
- Any testimony or evidence provided by Chad Swahn relating to Staff Request for Information Nos. 1-1, 1-2, 1-3, 1-5, 1-6, 1-7, 1-10, 1-12, 1-15 be deemed true and factual; and
- The following facts be deemed admitted for purposes of this proceeding:
 - Shady Oaks improperly charged Mr. Swahn a \$100 security deposit.

¹ 16 Tex. Admin. Code § 22.161(b).

² 16 Tex. Admin. Code § 22.161(c).

- Shady Oaks did not send a proper disconnection notice to Mr. Swahn when it disconnection service at 327 Hickory Hill Drive Lot #7, La Vernia, Texas in September of 2019.
- Shady Oaks improperly locked Mr. Swahn's meter at 327 Hickory Hill Drive Lot #7 on September 18, 2019 and did so in violation of its tariff.
- Shady Oaks improperly charged Mr. Swahn additional charges for water service from July 27, 2018 through April 11, 2019.
- Shady Oaks improperly filed a police report for meter tampering or theft of service for 327 Hickory Hill Drive Lot #7, La Vernia, Texas.
- That no meter tampering or theft of service occurred at 327 Hickory Hill Drive Lot #7, La Vernia, Texas.
- Shady Oaks improperly charged Mr. Swahn \$450 in meter charges on July 27, 2018 and did so in violation of their tariff.

No later than November 24, 2020, the parties may file a request for hearing on whether to impose such sanctions. This Order serves as the parties' notice and opportunity for a hearing, pursuant to 16 Texas Administrative Code § 22.161(b). If no requests for a hearing on sanctions are received, the ALJ will rule on Staff's Motion for Sanctions without further input.

Staff's request to lift abatement will be considered after the parties file a proposed amended procedural schedule as indicated in its motion.

SIGNED November 10, 2020



LINDA H. BRITE
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS