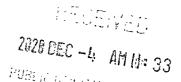


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SOAH DOCKET NO. 473-20-3820.WS PUC DOCKET NO. 50367



COMPLAINT OF CHAD SWAHN AGAINST SHADY OAKS WATER SUPPLY COMPANY, LLC BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

SOAH ORDER NO. 7 GRANTING MOTION FOR SANCTIONS

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On November 5, 2020, the staff (Staff) of the Public Utility Commission (Commission) filed a Motion for Sanctions. 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). SOAH Order No. 6 provided parties an opportunity to request a hearing on sanctions. No responses to Staff's Motion or requests for a sanctions hearing were filed.

Shady Oaks has resisted discovery and failed to obey the ALJ's orders. The ALJ finds that Staff's proposed sanctions are appropriate.² It is therefore **ORDERED** that Staff's Motion for Sanctions is **GRANTED**. The following sanctions are imposed on Shady Oaks:

- Shady Oaks is disallowed from filing Direct Testimony in this docket;
- Shady Oaks is disallowed from providing any form of written or oral direct testimony at the Hearing on the Merits in this docket;
- A negative inference is 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 is deemed true and factual; and
- The following facts are deemed admitted for purposes of this proceeding:



¹ 16 Tex. Admin. Code § 22.161(b).

² 16 Tex. Admin. Code § 22.161(b), (c).

- o Shady Oaks improperly charged Mr. Swahn a \$100 security deposit.
- 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.
- O 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.
- O That no meter tampering or theft of service occurred at 327 Hickory Hill Drive Lot #7, La Vernia, Texas.
- o Shady Oaks improperly charged Mr. Swahn \$450 in meter charges on July 27, 2018 and did so in violation of their tariff.

Staff has agreed to provide a proposed procedural schedule **no later than ten days after** the date of this order.

SIGNED December 4, 2020

LINDA H. BRITE

ADMINISTRATIVE LAW JUDGE

STATE OFFICE OF ADMINISTRATIVE HEARINGS