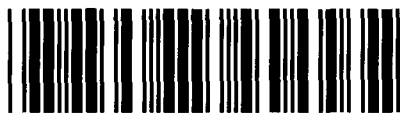




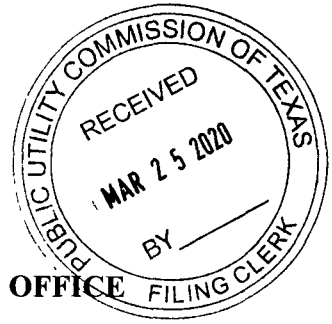
Control Number: 50446



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SOAH DOCKET NO. 473-20-3118.WS  
PUC DOCKET NO. 50446



COMPLAINT OF TEXAS TYLER 31,  
LLC

v.

THE CITY OF KEMP

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§  
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§  
§  
§

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

SOAH ORDER NO. 1  
FILING DESCRIPTION, NOTICE OF PREHEARING CONFERENCE,  
AND PROCEDURES

I. FILING DESCRIPTION

On January 13, 2020, Texas Tyler 31, LLC filed a complaint against the City of Kemp regarding the costs of obtaining service. The Public Utility Commission of Texas (Commission) issued an Order of Referral on March 20, 2020, referring the case to the State Office of Administrative Hearings for assignment of an Administrative Law Judge (ALJ) to conduct a hearing. The Commission will consider and possibly adopt a preliminary order in the open meeting currently scheduled to convene on April 17, 2020.

II. NOTICE OF PREHEARING CONFERENCE

A prehearing conference will convene **telephonically at 10:00 a.m. on April 7, 2020.**<sup>1</sup>  
All parties shall use the following call-in information to access the prehearing conference:

- **Call-in Information:**
  - Austin: 1 (512)-807-0005
  - Or Toll-Free: 1 (855)-999-5357
  - **Conference ID: 704-9744**

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<sup>1</sup> Due to concerns regarding the coronavirus, the State Office of Administrative Hearings (SOAH) has suspended all non-emergency live hearings through April 10, 2020. SOAH's updated precautionary measures for coronavirus is located on SOAH's website at <http://www.soah.texas.gov>. Parties should review this information and are encouraged to check SOAH's website for updates. Additionally, the parties should review the Public Utility Commission of Texas's (Commission's) coronavirus-related suspension of specific rules. *See Issues Related to the State of Disaster for the Coronavirus Disease 2019*, Docket No. 50664, Order Suspending Rules (Mar. 16, 2020).

At the prehearing conference, the following matters will be discussed:

1. Pending motions;
2. A procedural schedule;
3. Whether this matter is appropriate for mediation; and
4. Any other matters that may assist in the disposition of this case in a fair and efficient manner.

The parties may confer before the prehearing conference regarding the procedural schedule that will apply in this case. Any proposed procedural schedule must include, at a minimum, deadlines for discovery and prefiled testimony, and three alternative dates for the hearing on the merits. If the parties are able to agree to a procedural schedule, they may file an agreed schedule no later than 3:00 p.m. April 3, 2020, and agree to cancellation of the prehearing conference. Any agreed procedural schedule must include at least three alternative dates for the hearing on the merits.

### **III. PROCEDURES**

#### **A. Filing Procedures**

Commission rules regarding the filing of documents are available on the Commission's website at [www.puc.texas.gov](http://www.puc.texas.gov), in Subchapter E.<sup>2</sup> Further instructions are available at <http://www.puc.texas.gov/industry/filings/FilingProceed.aspx>.

**All pleadings must contain both the SOAH and PUC docket numbers.** All pleadings must be filed with the Commission's Central Records (not with SOAH). The Commission's filing clerk will forward a copy of the pleadings to SOAH. Pleadings and other documents shall be deemed filed when the proper number of legible copies is presented to the PUC filing clerk for filing.

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<sup>2</sup> All PUC filings are available on the Commission's website Interchange by enter the control number 50446, and clicking "Search." A list of documents filed in this docket will appear and you may access those documents by clicking on the document number.

**B. Service Procedures**

**A copy of any document filed with the Commission must also be served on (given to) all parties.** All parties shall provide their current telephone and facsimile number, if available, and email address, if available, to all other parties.

To receive service from SOAH by email, click on E-Services on SOAH's website, [www.soah.texas.gov](http://www.soah.texas.gov), for information and the form to request email service. Otherwise, parties will receive all orders and other case related correspondence by first class mail or by fax.

**C. Motions**

Motions for continuance shall be governed by 16 Texas Administrative Code § 22.79. If a continuance or extension of time is sought, the motion shall propose a new date or dates and shall indicate whether the other parties agree to the new date or dates. Because the ALJ or a hearing room may not be available on a given day, a proposed range of dates would be preferable. The ALJ will not contact parties to ascertain their position or to negotiate dates. In the absence of a ruling by the ALJ, a contested motion for continuance or extension is not granted and the existing schedule remains in place.


Unless otherwise specified in the applicable procedural rules, responses to any motion or other pleading shall be filed within **five working days** from receipt of the motion or pleading. The response shall state the date of receipt of the motion or pleading to which a response is made. If a party does not respond to a motion, the ALJ will assume that the party agrees with the motion or does not oppose the requested relief.

**D. Other Procedural Matters**

Any matters not addressed by this order shall be governed by the procedural rules of the Commission, which are available for viewing and downloading from the Commission's website at [www.puc.texas.gov](http://www.puc.texas.gov).

Discovery may begin immediately pursuant to Subchapter H of the Commission's procedural rules.

**SIGNED March 25, 2020.**



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**CHRISTIAAN SIANO**  
**ADMINISTRATIVE LAW JUDGE**  
**STATE OFFICE OF ADMINISTRATIVE HEARINGS**