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**SOAH DOCKET NO. 473-21-0946.WS
PUC DOCKET NO. 50721**

APPLICATION OF CRYSTAL CLEAR WATER, INC. FOR AUTHORITY TO CHANGE RATES	§ § §	BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS
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**SOAH ORDER NO. 1
DESCRIPTION OF CASE, ADMITTING INTERVENORS, NOTICE OF PREHEARING
CONFERENCE, AND GENERAL PROCEDURAL REQUIREMENTS**

I. DESCRIPTION OF CASE

On April 8, 2020, Crystal Clear Water, Inc. (Applicant) filed with the Public Utility Commission of Texas (Commission) an application for a rate/tariff change (Application) under Water Certificate of Convenience and Necessity No. 12997 in Bosque County, Texas. Crystal Clear is a Class C utility serving water to 230 connections or customers, and is requesting a revenue increase of \$120,000.

Finding the application and notice deficient, the Commission administrative law judge (ALJ) suspended the effective date under 16 Tex. Admin. Code § 24.33(b) “until a properly completed application is accepted.”¹ After supplementing its application, the Commission ALJ found the application administratively complete, and suspended the revised proposed effective date of December 1, 2020, for 265 day under 16 Tex. Admin. Code § 24.33(a).² Accordingly, the effective date is **August 23, 2021**.

On December 30, 2020, the Commission referred this case to State Office of Administrative Hearings (SOAH) for hearing, if necessary to resolve any issues that are contested by the parties. The order of referral also states that the Commission will issue a preliminary order that contains a list of issues to be addressed and any necessary statement of Commission policy, precedent, or position on threshold issues. The order adds that the Commission will consider and

¹ Order No. 4 (June 4, 2020).

² Order No. 8 (Sept. 4, 2020).

possibly adopt this preliminary order at its open meeting currently scheduled to convene on **January 29, 2021**.

The Commission has jurisdiction over this matter pursuant to Texas Water Code §§ 13.041, 13.181, and 13.1871. SOAH has jurisdiction over matters in this case relating to the conduct of the hearing and issuance of a proposal for decision, if needed, pursuant to Texas Government Code § 2003.049.

II. INTERVENORS

By Order Nos. 2, 5, 6, 9 and 10, the Commission ALJ admitted the following intervenors as parties: Kim and Arlettia Sharp, Harold Winnett, Justin Witt, Wayne Barnett, Pete Lohmer, Joy Lohmer, Roy Ince, Jr., Glenn Sammons, Thomas Murdoch, Walter Lane, Karla Lowder, Leonard and Janice McCain, Jeff and Krist Hall, Jasper Fuqua, John Graham, Donald Benda, Billy and Barbara Arnold, Emilie Shipman, Bryan Bronstad, Dale Hulme, Carl Montgomery, Judy Bingaman, James Nawara, Petra Rodriguez, Lance Alsobrook, Tony Hardin, Gerald Longacre, Troy and Jana Spies, Ben Johnson, Stephen Philipp, Dwayne Jackson, Dennis Poe, James Greenwade, Bill Reitmeyer, Nicholas P. Kuhn, Jr., George Saxon, Kelly Anderson, Britton Warren; Gary Fossett, Patrick & Renee Couley, Leonard & Janice Mc Cain, Joe & Linda Howard, Carl Montgomery, Sam Wells, Kristi & Jeffrey Hall, Kirk and Mary Sims.

The following also filed motions to intervene: Juanita Cospers (Apr. 16, 2020), Darrell Winnett, Jimmy & Kristi McElyea (Apr. 21, 2020), Annelle Wells (Apr. 27, 2020), Melissa Boyette (Sept. 3, 2020). No objection to their motions were filed. Their motions are GRANTED and they are admitted as parties.

III. NOTICE OF PREHEARING CONFERENCE AND INTERVENTION DEADLINE

A prehearing conference will convene at **10:00 a.m. on February 9, 2021**, via Zoom videoconferencing platform. The purpose of the prehearing conference is to establish a procedural

schedule, alignment of intervenors, discuss any pending motions, whether informal disposition, including mediation is appropriate for this matter, and any other relevant matters.

You may access the hearing by going to <https://soah-texas.zoomgov.com/> and entering the following information when prompted:

Meeting ID: 160 403 7415
Passcode: Crystal-02

You can also access by calling one of the following numbers:

(669) 254-5252 or (646) 828-7666

Once prompted you will enter the meeting ID and passcode

Meeting ID: 160 403 7415
Passcode: 9878185350

At least 20 days before the prehearing conference, the Applicant **SHALL** provide notice of the prehearing conference to the governing body of each affected municipality and county and to each ratepayer pursuant to Texas Water Code § 13.1871(m)-(n) and 16 Tex. Admin. Code § 24.27(d)(2). The notice **SHALL** include the text of the paragraphs (including the prehearing conference date and Zoom information) immediately before, and the paragraph immediately after, this paragraph. Before providing notice, the Applicant must consult Commission Staff regarding the notice to be provided. **No later than January 29, 2021**, the Applicant must file an affidavit and a copy of the notice demonstrating that it provided the notice as required.

Any person who wants to intervene in this case (*i.e.* participate as a party) shall move to intervene either: (1) in a written motion to intervene **filed at the Commission no later than February 4, 2021**; or (2) **orally at the February 9, 2021 prehearing conference**. Any motion shall refer to SOAH Docket No. 473-21-0946.WS and PUC Docket No. 50721, include the person's contact information, and otherwise comply with the Commission's procedural rules.

Previous submission of a protest does not meet the requirement of a motion to intervene as described above.

IV. GENERAL PROCEDURAL REQUIREMENTS

All Commission filings are available for viewing and downloading from the Commission's Interchange available at <http://interchange.puc.texas.gov/>, by entering the control number **50721**. A list of documents filed in this docket will appear and those documents (with a few exceptions such as confidential documents) can be accessed by clicking on the document number.

Except as modified by the Commission or SOAH in response to COVID-19, the Commission's procedural rules will govern the conduct of this case, and the parties are expected to comply with those rules. The Commission's procedural rules governing this case are available on its website at: <https://www.puc.texas.gov/agency/rulesnlaws/procrules/Procedural.aspx>.

Routine procedural and logistical questions may be directed to the ALJ's administrative assistant, Nadia Martinez, at 512-936-0724 or nadia.martinez@soah.texas.gov. SOAH support personnel may not provide advice or interpret orders or regulations for the parties.

A. Filing and Service

All filings must contain both the SOAH and Commission docket numbers. Filings are deemed to have been made when the proper number of legible copies is presented to the Commission filing clerk for filing.

When a party files a document with the Commission, that party must also serve (*i.e.*, provide a copy of that document to) every other party. Filing of pleadings is governed by 16 Tex. Admin. Code § 22.71 and service is governed by 16 Tex. Admin. Code § 22.74. However, under

the Commission's order suspending those rules,³ all parties must file any pleading or document with the Commission solely through the Interchange on the Commission's website (<https://interchange.puc.texas.gov/filer>) and provide notice, by e-mail, to all other parties that the pleading or document has been filed with the Commission, unless otherwise ordered by the presiding officer. It will be incumbent upon all other parties to obtain a copy of the pleading or document by accessing the Interchange.

Only one address per party will be included on the official service list maintained by SOAH. Corrections to the service list should be directed to Ms. Martinez.

Self-represented parties are encouraged to requested to receive service of SOAH orders by email. To do so, go to SOAH's website at www.soah.texas.gov, click on the "E-Services" link at the top of the webpage, the click on "Request Service by Email" and complete the Email Service Request Form. This will also update the service list with the party's email address.

B. Motions

A motion seeking a continuance or extension of time **SHALL** propose a new date or dates and indicate whether the other parties agree to the new date or dates. The ALJ will not contact parties to ascertain their position or to negotiate dates. In the absence of a ruling by the ALJ, the motion is not granted and the existing schedule remains in place.

Unless otherwise specified in the Commission's procedural rules or an order issued in this case, any responses to a motion or other pleading shall be filed within **five working days** from receipt of the motion or pleading. If a party does not respond, the ALJ will assume that the party agrees with or does not oppose the requested relief.


³ The Commission's order is available at: http://interchange.puc.texas.gov/Documents/50664_205_1075813.PDFF. The parties are encouraged to consult the Commission's website for the latest information on how COVID-19 is impacting the Commission's procedural requirements.

C. Discovery

Discovery may begin immediately in compliance with the Commission's procedural rules and orders issued in this case. Copies of requests for information (RFIs) and objections and responses to RFIs will not be provided to the ALJ. If a party files a motion to compel responses to discovery, the motion shall include every RFI and objection to which the motion applies. Any affidavits supporting an objection, motion to compel, or response shall be attached to the relevant document. The ALJ will resolve discovery disputes based on the written documents, any sworn affidavits attached thereto, and materials, if any, provided for *in camera* inspection, unless the ALJ concludes that a prehearing conference on the discovery dispute should be held.

If a party seeks *in camera* review of documents in accordance with 16 Tex. Admin. Code § 22.144(g), it will submit the documents to the ALJ at SOAH. Documents submitted for review should not be filed with the Commission filing clerk. If they are filed with the Commission filing clerk, even inadvertently, the documents may not be physically removed from the Commission. Further, any claim to privilege or exemption may be waived by the filing.

SIGNED January 8, 2021.


CHRISTIAAN SIANO
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS