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**SOAH DOCKET NO. 473-20-4071.WS
PUC DOCKET NO. 50788**

**RATEPAYERS APPEAL OF THE § BEFORE THE STATE OFFICE
DECISION BY WINDERMERE OAKS §
WATER SUPPLY CORPORATION TO § OF
CHANGE WATER AND SEWER §
RATES § ADMINISTRATIVE HEARINGS**

**SOAH ORDER NO. 1
CASE DESCRIPTION AND GENERAL PROCEDURES**

I. CASE DESCRIPTION

On April 27, 2020, Josephine Fuller, individually and on behalf of the ratepayers of the Windermere Oaks Water Supply Corporation (Petitioners), filed a petition with the Public Utility Commission of Texas (Commission) under Texas Water Code (TWC) § 13.043(b) appealing the decision by Windermere Oaks Water Supply Corporation (Windermere Oaks) to change its water and sewer rates. On April 30, 2020, Petitioners filed an amended petition, and on May 27, 2020, Windemere Oaks filed its response to the Petition.

On June 23, 2020, the Office of Policy and Docket Management found the Petition administratively complete, and on the same day issued an Order of Referral. to the State Office of Administrative Hearings (SOAH), requesting the assignment of a SOAH ALJ to conduct a hearing and issue a proposal for decision, if necessary. The referral order stated that the Commission will consider and possibly adopt a preliminary order in this matter at its July 16, 2020 open meeting.

The Commission has jurisdiction over this matter pursuant to TWC 13.043(b). SOAH has jurisdiction over matters relating to the conduct of the hearing in this proceeding pursuant to Texas Government Code § 2003.049.

II. PROCEDURAL SCHEDULE

The parties shall confer and, **no later than July 31, 2020**, submit an agreed procedural schedule. In the response, the parties should indicate whether they request that this case be referred to mediation. If the parties are unable to agree on a schedule, the parties may submit competing

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schedules and argument for consideration by the ALJ or and request a prehearing conference to discuss a procedural schedule.

III. DISCOVERY AND FILING REQUIREMENTS

A. COVID-19 and procedural requirements

The parties should be aware that, in response to COVID-19, the Commission has issued an order suspending certain rules and requiring e-mail service and online filings. The Commission's order is available at: http://interchange.puc.texas.gov/Documents/50664_3_1055816.PDF. In addition to reviewing SOAH's website for COVID-19 information as described above, the parties should also consult the Commission's website for the latest information on how COVID-19 is impacting the Commission's procedural requirements.

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 are available on its website at: <https://www.puc.texas.gov/agency/rulesnlaws/procrules/Procedural.aspx>.

B. Discovery

Discovery may begin immediately pursuant to Subchapter H of the Commission's Procedural Rules. All pleadings shall be filed with the Commission's filing clerk, not with the SOAH filing clerk. The Commission's filing clerk will forward a copy of the pleadings to SOAH.

C. Filing and Service of Pleadings

In summary, all documents filed in this case must also be delivered or "served" to all other parties. Service of pleadings is typically governed by 16 TAC § 22.74 and filing of pleadings is typically governed by 16 TAC § 22.71. However, the Commission has issued an Order

Suspending Rules.¹ As long as the Order Suspending Rules remains in effect, a filing party must provide notice by e-mail of any pleading or document filed. Moreover, 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.

When a party files a document with the Commission, that party is also required to serve (i.e., provide a copy of that document to) every other party. **At this time, due to COVID-19, service must be accomplished by e-mail.**² Any party to this proceeding who has not previously provided an e-mail address **SHALL, no later than 7 days after the date of this order**, file a notice informing the parties of the e-mail address to be used for service.

SOAH's orders must also be provided to, or served on, the parties. Parties represented by counsel will be served with SOAH's orders electronically at the e-mail address they provide.

The parties may contact the ALJ's Administrative Assistant, Erin Hurley, at erin.hurley@soah.texas.gov with procedural questions, including dates available for a hearing on the merits in this case in the event that this case is not referred to mediation.

SIGNED July 10, 2020.



DANIEL WISEMAN
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS

¹ *Issues Related to the State of Disaster for the Coronavirus Disease*, Docket No. 50664, Order Suspending Rules (March 16, 2020).

² *See Issues Related to the State of Disaster for the Coronavirus Disease 2019*, Docket No. 50664, Order Suspending Rules (Mar. 16, 2020), available at: http://interchange.puc.texas.gov/Documents/50664_3_1055816.PDF; *see also* 16 Tex. Admin. Code § 22.74(c).