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**SOAH DOCKET NO. 473-20-4709.WS
PUC DOCKET NO. 50944**

APPLICATION OF MONARCH § BEFORE THE STATE OFFICE
UTILITIES I, L.P. TO CHANGE RATES § OF
FOR WATER AND SEWER SERVICE § ADMINISTRATIVE HEARINGS

**SOAH ORDER NO. 4
RULING ON MOTION TO DISMISS INTERVENORS; GRANTING LATE-FILED
MOTIONS TO INTERVENE**

I. RULING ON MOTION TO DISMISS NON-PARTICIPATING INTERVENORS

In State Office of Administrative Hearings (SOAH) Order No. 1, the Administrative Law Judges (ALJs) set a prehearing conference at which all parties that had previously been granted party status in this matter must appear or be subject to dismissal, absent a showing of good cause. As noted in SOAH Order No. 2, other than the Office of the Public Utility Counsel (OPUC), no intervenor appeared at the prehearing conference. Accordingly, counsel for Monarch Utilities I, L.P. (Monarch) orally moved to dismiss the absent intervenors on the basis that they had failed to obey an order of the ALJs.¹

In SOAH Order No. 2, in accordance with 16 Texas Administrative Code § 22.161(d), the ALJs conditionally dismissed the non-participating intervenors, subject to their right to notice and opportunity for a hearing. The order provided such notice and set a hearing for October 15, 2020, at 10:00 a.m., to be held via the Zoom videoconference platform pursuant to the various emergency orders currently in effect.²

At the October 15, 2020 hearing, only one intervenor, Tina Millard, appeared to request that she remain a party. Ms. Millard explained that she had not attended the prehearing conference due to difficulty with the remote technology. No party objected to her retaining her party status, subject to the requirements and deadlines in the previously adopted procedural schedule, including

¹ See Tex. Admin. Code § 22.161(b)(3), (d).

² SOAH Order No. 2 also granted intervenor Kathy Nielsen's request to retain party status based on her filing showing good cause for her absence from the prehearing conference.

the filing of a statement of position or direct testimony by October 20, 2020. Accordingly, the ALJ **granted** Ms. Millard's request to retain party status.


Due to the failure of the other previously admitted ratepayer intervenors to file a request to retain party status or appear at the October 15, 2020 hearing, and as set out in SOAH Order No. 2, those parties are **DISMISSED** from this proceeding pursuant to 16 Texas Administrative Code § 22.161(d)(2). Following the issuance of this order, those parties shall be removed from the official service list and may not further participate in this proceeding.

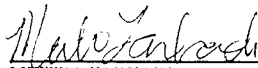
II. GRANTING LATE-FILED MOTIONS TO INTERVENE

After the September 14, 2020 deadline to intervene in this proceeding, at least two ratepayers filed motions to intervene: Stephanie Klieber and Cheryl Gardner. At the October 15, 2020 hearing, Monarch did not take a position on their interventions at that time but noted, along with Staff, that the hopeful intervenors would be required to file either a statement of position or direct testimony by October 20, 2020. Under the authority of 16 Texas Administrative Code § 122.104(d), Ms. Klieber's and Ms. Gardner's motions to intervene are **GRANTED**, subject to all requirements and deadlines in the procedural schedule set out in SOAH Order No. 2 and formally adopted in SOAH Order No. 3.

In addition, on October 16, 2020, Kelley Meza filed a document that did not identify whether it was intended as a request to intervene or a mere protest. In order to preserve her rights as a potential intervenor, given the imminent deadline described above, to the extent her filing was a motion to intervene it is **GRANTED**, also subject to all requirements and deadlines in the procedural schedule.

SIGNED October 19 2020.


DANIEL WISEMAN
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS


MITTRA FARHADI
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS