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SOAH DOCKET NO. 473-22-0226.WS
PUC DOCKET NO. 51488

APPLICATION OF CHESTER	§	BEFORE THE STATE OFFICE
MAPLES DBA OLD HIGHWAY 90	§	
WATER SERVICE TO AMEND A	§	
CERTIFICATE OF CONVENIENCE	§	OF
AND NECESSITY IN MEDINA AND	§	
FRIO COUNTIES	§	ADMINISTRATIVE HEARINGS

SOAH ORDER NO. 1
CASE DESCRIPTION;
ORDER TO CONFER; PROCEDURAL REQUIREMENTS

On November 4, 2020, Chester Maples dba Old Highway 90 Water Service filed an application to amend water certificate of convenience and necessity No. 12975 in Medina and Frio Counties. After several application supplements, the application was found administratively completed and applicant was ordered to issue notice.¹ Yancy Water Supply Corporation intervened and notice was found sufficient.² On September 23, 2021, the Public Utility Commission of Texas (Commission) issued an order referring this matter to the State Office of Administrative Hearings (SOAH), requesting the assignment of an Administrative Law Judge (ALJ) to conduct a hearing and issue a proposal for decision, if necessary. On the same date, the Commission considered and adopted a preliminary order in this case at its open meeting.

The Commission has jurisdiction over this matter pursuant to Texas Water Code, ch. 13 and 16 Tex. Admin. Code, ch. 24, Subchapter H. SOAH has jurisdiction over matters relating to the conduct of the hearing in these proceedings pursuant to Texas Government Code § 2003.049.

I. ORDER TO CONFER

The parties are ORDERED to confer and, **by October 29, 2021**, submit an agreed proposed procedural schedule, setting out three alternative dates for the hearing on the merits, or request a prehearing conference.

¹ Order No. 8 (May 17, 2021).

² Order No. 9 (June 30, as corrected on July 6, 2021); Order No. 11 (July 16, 2021).

II. 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>.

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.

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.

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 accept 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, then click on "Request Service by Email" and follow instructions. 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.

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 September 30, 2021.



CHRISTIAAN SIANO
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS