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SOAH DOCKET NO. 473-21-3277.WS
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COMPLAINT OF NUECES BAY	§	BEFORE THE STATE OFFICE
TRACTS, LLC AGAINST RINCON	§	OF
WATER SUPPLY CORPORATION	§	ADMINISTRATIVE HEARINGS

SOAH ORDER NO. 2
GRANTING AGREED MOTION TO CANCEL PREHEARING CONFERENCE AND
ADOPT PROCEDURAL SCHEDULE

I. CANCELING PREHEARING CONFERENCE AND ADOPTING PROCEDURAL
SCHEDULE

On September, 2021, the parties filed an agreed motion to cancel the prehearing conference set for October 1, 2021, and to adopt the parties' proposed procedural schedule. The motion is **GRANTED**. Accordingly, the October 1, 2021 prehearing conference is **CANCELED**, and the following procedural schedule is **ADOPTED**:

Event	Date
Mediation	October 29, 2021
Complainant's direct testimony	November 19, 2021
Objections to Complainant's direct testimony	December 3, 2021
Responses to objections to Complainant's direct testimony	December 10, 2021
Rincon's direct testimony	December 22, 2021
Objections to Rincon's direct testimony	January 7, 2022
Responses to objections to Rincon's direct testimony	January 14, 2022
Staff direct testimony	January 28, 2022
Objections to Staff's direct testimony	February 4, 2022
Responses to objections to Staff's direct testimony	February 11, 2022
Deadline to propound discovery on direct case of all parties	February 18, 2022

Deadline to conduct all depositions on direct case of all parties	February 18, 2022
Complainant's rebuttal testimony	February 18, 2022
Objections to Complainant's rebuttal testimony	February 25, 2022
Responses to objections to Complainant's rebuttal testimony	March 4, 2022
Deadline to propound discovery on Complainant's rebuttal testimony	March 11, 2022
Deadline to conduct all depositions on rebuttal testimony	March 11, 2022
Deadline for stipulations of uncontested matters	March 16, 2022
Hearing on the Merits	April 8, 2022
Initial post-hearing briefs	April 28, 2022
Reply post-hearing briefs	May 12, 2022
Proposed findings of fact and conclusions of law	May 19, 2022

It is further **ORDERED** that (a) drafts of testimony and email communications containing drafts of testimony are not discoverable; and (b) the response time for discovery on all direct and rebuttal testimony is ten calendar days.

II. NOTICE OF HEARING

The ALJ will convene the hearing on the merits at **9:00 a.m. on April 8, 2022, via the Zoom videoconferencing platform**. The hearing is set for one day. Unless a party has a court reporter transcribe the hearing, the ALJ will make an audio recording of the hearing that will be the official record of the proceeding.

To access the hearing, go to <https://soah-texas.zoomgov.com/> or the Zoom application on your mobile device, select "Join a Meeting," and enter the following information when prompted:

Meeting ID: 161 161 6156
Passcode: ex4itG

If you do not have access to a device that would allow videoconferencing capabilities, you may join by telephone by calling either number below and entering the following Meeting ID and passcode. Note that the passcode to join by telephone is different than the passcode to join via a computer or smart device.

Phone: (669) 254-5252 or (646) 828-7666
Meeting ID: 161 161 6156
Passcode: 830020

You may access information for participating in a zoom meeting at www.zoom.us under the “support” tab. A party who experiences technical difficulties with joining the hearing should contact SOAH’s Docketing Division at (512) 475-4993, or the ALJ’s Legal Secretary, Nadia Martinez at 512-475-2241 or nadia.martinez@soah.texas.gov.

It is further **ORDERED** that the following actions shall be taken **no later than March 29, 2022**:

- Each party **SHALL** file a list identifying its witnesses, if any, for whom all other parties waived cross-examination.
- Each party **SHALL** file a list of all exhibits it intends to offer at the hearing (including, for example, on cross-examination).
- The parties **SHALL** deliver to the ALJ at SOAH Room 504, 5th Floor, William P. Clements Building, 300 West 15th Street, Austin, Texas, 78701, ***three copies (the record copy and two appeal copies)*** of all exhibits the party intends to offer. If a court reporter will transcribe the hearing, the parties **SHALL**, after consulting the court reporter about how to do so, provide ***the record copy*** of its exhibits instead to the court reporter, along with its exhibit list.
- The parties **SHALL** exchange a marked copy of all exhibits they intend to offer.¹

¹ The parties may agree among themselves on the method of delivery and may agree to forego exchanging a marked copy of exhibits they already have (such as prefiled testimony or documents obtained through discovery), instead relying on the exhibit lists to identify the exhibit, offering party, and exhibit number.

All exhibits **SHALL** be marked with the offering party's name and the exhibit number. Exhibits should be numbered sequentially, and multipage documents shall be paginated or Bates-stamped. Exhibits not meeting a requirement in this order may not be admitted into the record absent good cause.

Prior to the hearing, the parties **SHALL** provide to witnesses all documents necessary for their effective participation in the hearing. Parties should also speak to the witnesses they intend to call to testify and provide them the necessary videoconferencing information.

SIGNED October 6, 2021.



DANIEL WISEMAN
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS