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BEFORE THE
STATE OFFICE OF ADMINISTRATIVE
HEARINGS

APPLICATION OF EAST HOUSTON UTILITIES INC. FOR
AUTHORITY TO CHANGE RATES

SOAH ORDER NO. 1

DESCRIPTION OF CASE; NOTICE OF PREHEARING CONFERENCE;
INTERVENTION DEADLINE; REQUIRING RECOMMENDATION ON
NOTICE; AND GENERAL PROCEDURAL REQUIREMENTS

I. DESCRIPTION OF CASE

On July 29, 2021, East Houston Utilities Inc. (Applicant) filed with the Public Utility Commission of Texas (Commission) an application (Application) for authority to change rates under Texas Water Code §§ 13.1871 and 13.872(c) for its certificate of convenience and necessity (CCN) number 12042 in Liberty County,

Texas. Applicant is a Class D utility serving water to 23 active connections and is requesting a revenue increase of approximately \$52,891.

The Commission Administrative Law Judge (ALJ) found the Application, as supplemented, administratively complete and required revised notice.¹ The ALJ, under Texas Water Code § 13.187(g), suspended the effective date for 265 days from the proposed effective date (June 1, 2022). Accordingly, the effective date is **February 21, 2023.**²

On May 25, 2022, Commission staff Commission staff (Staff) filed a request that the case be referred to the State Office of Administrative Hearings (SOAH). The Commission referred this case to SOAH on August 3, 2022, requesting assignment of a SOAH ALJ to conduct a hearing and to issue a proposal for decision, if such is necessary. On, August 4, 2022, the Commission issued preliminary order, stating the issues to be addressed in this docket.

The Commission has jurisdiction over this matter pursuant to Texas Water Code §§ 13.041 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. NOTICE OF PREHEARING CONFERENCE AND INTERVENTION DEADLINE

¹ Order No. 8 (May 3, 2022).

² *Id.*.

A prehearing conference will be convened at **10:00 a.m., on September 13, 2022**, via the Zoom videoconferencing application. The purpose of the prehearing conference is to establish an procedural schedule (including setting a hearing date); admit prospective intervenors as parties, as appropriate; discuss potential alignment of parties;, as well as to discuss pending motions, whether this matter should be referred to mediation; and other matters that may aid in efficient and fair processing of this case.

Use one of the following methods to access the Zoom prehearing conference:

Join by computer or smart device:

Go to <https://soah-texas.zoomgov.com> and enter the following:

Meeting ID: 161 483 5267

Video Passcode: PUC766

Join by telephone (audio only):

Call +1 669 254 5252, and then enter the following:

Meeting ID: 161 483 5267

Telephone Passcode: 452539

At least 20 days before the prehearing conference, Applicant **SHALL** provide notice of the prehearing conference to the governing body of each affected municipality and county and to each ratepayer as though the requirements in Texas Water Code § 13.1871(m)-(n) and 16 Texas Administrative Code § 24.27(d)(2) relating to notice of the hearing applied to the prehearing conference. The notice

SHALL include the text of the paragraph immediately before (including Zoom information), and the paragraph immediately after, this paragraph. Before providing notice, Applicant **SHALL** consult with Staff regarding the notice to be provided. Applicant **SHALL, no later than August 31, 2022**, file an affidavit and a copy of the notice, demonstrating that it provided the notice as required.

To intervene (*i.e.*, participate in this case as a party), a person who has not yet been admitted shall move to intervene either (1) **in a written motion to intervene filed at the Commission no later than September 9, 2022**; or (2) **orally at the September 13, 2022 prehearing conference**. Any filed motion shall refer to SOAH Docket No. 473-22-07686.WSW and PUC Docket No. 52370, 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 that a person who wants to participate as a party must move to intervene as described above.

IV. REQUIRING STAFF RECOMMENDATION ON NOTICE

No later than August 23, 2022, Staff shall, and any other party may, file a recommendation on the sufficiency of the notice of the Application.

V. 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 **52370** and pressing "search." A list of documents

filed in this docket will appear, which (with a few exceptions such as confidential documents, if any) can be accessed by clicking on the document number. The Commission's procedural rules are available on the Commission's website (<http://www.puc.texas.gov/agency/rulesnlaws/procrules/Procedural.aspx>). The procedural rules will govern the conduct of this case, and the parties are expected to comply with those rules.

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 law or orders for the parties.

A. FILING AND SERVICE

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

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. Filing of pleadings is governed by 16 Texas Administrative Code § 22.71 and service is governed by 16 Texas Administrative Code § 22.74. However, under the Commission's order suspending those rules,³ all parties must file any pleading or

³ The Commission's order is available at: http://interchange.puc.texas.gov/Documents/50664_205_1075813.PDF.

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. Because the ALJ or a hearing room may not be available on a given day, proposing a

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.

range of dates is advisable. 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 Texas Administrative 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 AUGUST 16, 2022

ALJ Signature(s):

A handwritten signature in black ink, appearing to read "Daniel Wiseman", is written over a horizontal line.

Daniel Wiseman,

Presiding Administrative Law Judge