



## Filing Receipt

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**BEFORE THE**  
**STATE OFFICE OF ADMINISTRATIVE**  
**HEARINGS**

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

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**SOAH ORDER No. 2**

**MEMORIALIZING PREHEARING CONFERENCE; ADMITTING**  
**INTERVENORS; FINDING NOTICE SUFFICIENT; ADOPTING**  
**PROCEDURAL SCHEDULE; SETTING HEARING ON THE MERITS; AND**  
**REFERRING CASE FOR MEDIATION**

On September 13, 2022, a prehearing conference was convened via Zoom videoconference. Representatives of East Houston Utilities Inc., the staff (Staff) of the Public Utility Commission of Texas (Commission), Barry Evans, and J.D. and Mona Keller appeared. As discussed below, the parties discussed notice, motions to intervene, mediation, and the adoption of a procedural schedule.

## **I. ADMITTING INTERVENORS**

At the prehearing conference, Mr. Evans and the Kellers moved to intervene. No party objected, the motions were **GRANTED**, and they are admitted as intervenors.

## **II. FINDING NOTICE SUFFICIENT**

Staff, at the prehearing conference, stated that notice of the application was sufficient, subject to notice having been provided to the Office of Public Utility Counsel (OPUC). In its filing of September 23, 2022, Staff confirmed that notice was provided to OPUC. Accordingly, the Administrative Law Judge (ALJ) finds that notice of the application is sufficient.

## **III. ADOPTING PROCEDURAL SCHEDULE**

On September 23, 2022, Staff filed a proposed procedural schedule based on conference with the parties. No objection was filed. As such, the ALJ adopts the following schedule:

<b>Event</b>	<b>Deadline</b>
Direct Testimony or Statement of Position of Protestors/Ratepayers	October 28, 2022
Direct Testimony or Statement of Position of East Houston	November 4, 2022
Direct Testimony or Statement of Position of Staff	November 18, 2022

Last Day to Propound Discovery on Direct Testimony	November 18, 2022
<b>Hearing on the Merits</b>	December 14-16, 2022
Initial Briefs	January 11, 2023
Reply Briefs	January 20, 2023

The following actions shall be taken **no later than December 7, 2022, at NOON:**

- Each party **SHALL** file a witness list identifying all witnesses the party expects to call to testify during the hearing and 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 the State Office of Administrative Hearings (SOAH), Room 504, 5th Floor, William P. Clements Building, 300 West 15<sup>th</sup> Street, Austin, Texas, 78701, *the ALJ's copy, 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 the party's witness list and exhibit list.
- The parties **SHALL** exchange a marked copy of all exhibits that they intend to offer at the hearing.<sup>1</sup>

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<sup>1</sup> The parties may agree among themselves on the method of delivery to each other and may agree to forgo delivery to each other of marked copies of exhibits they have already received, relying on the exhibit lists to identify the 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 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.

#### **IV. HEARING ON THE MERITS**

The ALJ will convene the hearing on the merits **on December 14, 2022, at 9:00 a.m. via Zoom**. The hearing is set for three days.

You may access information for participating in a zoom meeting at [www.zoom.us](http://www.zoom.us) under the “support” tab.

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

**Meeting ID:** 161 483 5267

**Passcode:** PUC766

To participate by telephone only or if you are unable to access audio once you have joined the hearing, you can access audio 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.

**(669) 254-5252 or (646) 828-7666**

**Meeting ID:** 161 483 5267

**Passcode:** 452539

A person 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 512-936-0724. SOAH support personnel are not authorized to provide advice or interpret orders or other legal requirements for the parties.

## **V. REFERRING CASE TO MEDIATION**

The Administrative Law Judge, having granted the parties' request for mediation, **ORDERS:**

1. This case is hereby referred to SOAH's Alternative Dispute Resolution Team Leader, Judge Holly Vandrovec, for appointment of a mediator and a period of mediation. With the issuance of this Order, the official file in this case is transferred to Judge Vandrovec.
2. The mediator will schedule the mediation in consultation with the parties.

3. The parties are ordered to appear at the mediation with a party representative (in addition to the attorney) who has full settlement authority for this matter.
4. The parties shall file a status report **no later than November 18, 2022.**

**SIGNED SEPTEMBER 28, 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