



Filing Receipt

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BEFORE THE
STATE OFFICE OF ADMINISTRATIVE
HEARINGS

COMPLAINT OF LILI AND THOMAS MCDEVITT AGAINST
LEVI WATER SUPPLY CORPORATION

SOAH ORDER NO. 1

INITIAL ORDER

I. FILING DESCRIPTION

On December 2, 2021, Lili and Thomas McDevitt filed a complaint with the Public Utility Commission of Texas (Commission) against Levi Water Supply Corporation related to its refusal to provide water service.

The Commission issued an order on May 24, 2022, referring the case to the State Office of Administrative Hearings (SOAH) for assignment of an Administrative Law Judge (ALJ) to conduct a hearing and issue a proposal for

decision, if necessary. On May 26, 2022, the Commission issued a preliminary order identifying the issues that must be addressed in this proceeding.

II. NOTICE OF TELEPHONIC PREHEARING CONFERENCE

A prehearing conference will be convened **at 10:00 a.m. on August 12, 2022, via Zoom videoconference**. The parties shall use the following information to access the prehearing conference:

Join by computer or smart device

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

Meeting ID: 161 384 5368

Passcode: PUC2774

Join by telephone (audio only)

Call +1 669 254 5252, and then enter the Meeting ID and Password listed below.

Meeting ID: 161 384 5368

Passcode: 9103614

At the prehearing conference, the following matters will be discussed:

1. Pending motions;
2. The burden of proof;
3. Whether this case may be efficiently resolved in whole or in part through procedures such as stipulations or limitation of the scope of the hearing;

4. Whether the parties are interested in mediating this dispute;¹
5. A procedural schedule; and
6. Any other matters that may assist in the disposition of this case in a fair and efficient manner.

The parties may confer before the prehearing conference regarding the procedural schedule that will apply in this case. Any proposed procedural schedule must include, at a minimum, deadlines for discovery and prefiled testimony, and three alternative dates for the hearing on the merits.

III. E-MAIL SERVICE REQUIRED

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. **At this time, due to COVID-19, service must be accomplished by e-mail.**² Any party to this proceeding who has not previously provided an e-mail address **SHALL, no later than 7 days after the date of this order**, file a notice informing the parties of the e-mail address to be used for service.

¹ Information about mediation at SOAH is available at <https://www.soah.texas.gov/mediation-alternative-dispute-resolution>.

² See *Issues Related to the State of Disaster for the Coronavirus Disease 2019*, Docket No. 50664, Order Suspending Rules (Mar. 16, 2020), available at: http://interchange.puc.texas.gov/Documents/50664_3_1055816.PDF.

IV. GENERAL PROCEDURAL REQUIREMENTS

The parties should be aware that, due to COVID-19, the Commission has suspended certain rules and is requiring e-mail service and online filings.³ The Commission's order is available at: http://interchange.puc.texas.gov/Documents/50664_3_1055816.PDF.

Commission filings are available for viewing and downloading from the Commission's Interchange at <http://interchange.puc.texas.gov>, by entering the control number 52912 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 at <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 Legal Secretary, Nadia Martinez, at nadia.martinez@soah.texas.gov. SOAH support personnel may not provide advice or interpret orders or regulations for the parties.

³ *Id.*

A. Filing

Due to COVID-19, the Commission is only accepting filings made online through the Commission's Interchange e-file system at <https://interchange.puc.texas.gov/filer>. When making online filings for this case, use the control number 52912. The parties should review the Commission's website for the latest information on how COVID-19 is impacting Commission filing requirements. **All pleadings must contain both the SOAH and Commission docket numbers.**

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 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 pursuant to Subchapter H of the Commission's procedural rules.

SIGNED JULY 22, 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