



## Filing Receipt

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

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**MCILRATH PROPERTIES LLC'S APPEAL OF THE COST OF**  
**OBTAINING SERVICE FROM MILLER GROVE WATER**  
**SUPPLY CORPORATION**

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**SOAH ORDER NO. 1**

**FILING DESCRIPTION; NOTICE OF PREHEARING CONFERENCE; AND**  
**APPLICABLE PROCEDURES**

On August 4, 2022, McIlrath Properties LLC filed an appeal of the cost of obtaining service from Miller Grove Water Supply Corporation. On March 22, 2023, the Public Utility Commission of Texas (Commission or PUC) referred this case 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 (PFD), if necessary. SOAH has jurisdiction over matters relating to the conduct of the hearing in these proceedings pursuant to Texas

Government Code section 2003.049. On March 23, 2023, the Commission issued a preliminary order setting forth the issues to be addressed in this proceeding.

## **I. PREHEARING CONFERENCE**

The ALJ will convene a prehearing conference at **10:00 AM (CT) on April 19, 2023**, remotely via Zoom videoconference. The audio portion of the hearing will be recorded, and it will be the official record of the proceeding. Attend the hearing in one of these ways:

Join by computer or smart device:

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

**Meeting ID:** 160 244 8752

**Video Passcode:** PUC597

Join by telephone (audio only):

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

**Meeting ID:** 160 244 8752

**Telephone Passcode:** 138522

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

1. A procedural schedule, including a date for the hearing on the merits;
2. Whether the parties wish to mediate the dispute; and
3. Any other matters that may assist in the disposition of this case in a fair and efficient manner.

The parties are encouraged to confer prior to 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 during three different weeks for the hearing on the merits.

## II. PROCEDURES

Except as modified by the Commission or SOAH in response to COVID-19, the Commission's procedural rules<sup>1</sup> govern this case. Routine procedural and logistical questions may be directed to the ALJ's administrative assistant, Mavis Chase, at 512-936-0684 or [mavis.chase@soah.texas.gov](mailto:mavis.chase@soah.texas.gov). SOAH support personnel may not provide advice or interpret orders or regulations for the parties.

### A. FILING

The procedures regarding filing are specified in Subchapter E of the Commission's procedural rules and apply in this proceeding. Parties are expected to know those procedures and comply with them fully. **All pleadings must contain both the SOAH and PUC docket numbers to allow for efficient processing.**

For parties who may not be familiar with PUC processes, all PUC filings in this case are available for viewing and downloading from the Commission's website ([www.puc.texas.gov](http://www.puc.texas.gov)). Once there, click at the top under "Filings." Then click on "Filings Search" and type in control number (PUC Docket Number) 53933 and press "enter." A list of documents filed in this docket will appear and you may

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<sup>1</sup> Available on its website at: <https://www.puc.texas.gov/agency/rulesnlaws/procrules/Procedural.aspx>.

access those documents by clicking on the document number. The PUC's procedural rules are also available at the PUC website.

**B. SERVICE OF FILED DOCUMENTS ON ALL PARTIES**

Note that all documents filed in this case must also be delivered or “served” to all other parties. At this time, due to COVID-19, service must be accomplished by email. Any party to this proceeding who has not previously provided an email address **SHALL**, no later than seven days after the date of this order, file a notice informing the parties of the email address to be used for service. Parties will be served with SOAH's orders electronically at the email address they provide. 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 the ALJ's assistant, Ms. Chase, at the email address provided above.

**C. MOTIONS AND RESPONSES TO MOTIONS AND OTHER PLEADINGS**

Unless otherwise specified, responses to any motion or other pleading shall be filed within five working days from receipt of the pleading to which the response is made. Such responsive pleadings shall state the date of receipt of the pleading to which a response is made. Failure to file a timely response will be considered acquiescence to the relief requested. If the parties file a motion that requires the ALJ's immediate attention, the parties must also email a copy of the motion to the ALJ's assistant, Ms. Chase, at the email address provided above.

## **D. DISCOVERY**

Discovery may begin immediately pursuant to Subchapter H of the Commission's procedural rules. All discovery requests and responses shall be filed with the Commission.

## **E. *IN CAMERA* REVIEW**

When a party seeks *in camera* review of documents in accordance with 16 Texas Administrative Code section 22.144(g), it must 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, any claim to privilege or exemption may be waived. At the time the documents are submitted for *in camera* review, the objecting party must file affidavits that list the facts necessary to support the privilege or exemption that is claimed. The affidavits will be public documents and must be filed with the Commission filing clerk and served upon the propounding party. Answers to requests for information (RFIs) that are submitted for *in camera* review must be grouped and separated from other answers by envelope, folder, box, or other appropriate containers; materials that constitute an answer to more than one RFI must be clearly cross-referenced. RFI answers submitted for *in camera* review will not be accessible to the other parties unless the ALJ orders otherwise.

**Signed March 31, 2023**

ALJ Signature(s):

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

Daniel Wiseman,

Presiding Administrative Law Judge