



## **Filing Receipt**

**Filing Date - 2023-10-17 01:37:45 PM**

**Control Number - 54683**

**Item Number - 74**

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

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**APPLICATION OF ENVIRO-MANAGEMENT FOR**  
**AUTHORITY TO CHANGE RATES**

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**SOAH ORDER NO. 1**

**CASE DESCRIPTION AND JURISDICTION; SETTING PREHEARING**  
**CONFERENCE; INTERVENTION DEADLINE; AND**  
**GENERAL PROCEDURAL REQUIREMENTS**

**I. CASE DESCRIPTION AND JURISDICTION**

On February 24, 2023, Sheila D. Agnew doing business as Enviro-Management (Enviro-Management) filed with the Public Utility Commission of Texas (Commission) an application for a rate change. Enviro-Management is a Class D utility that provides water service to approximately 110 connections under certificate of convenience and necessity no. 12625. The proposed effective date was June 19, 2023. However, consistent with the recommendation by Commission Staff,

the Commission administrative law judge (ALJ) suspended the effective date for the new rates no more than 265 days under Texas Water Code (TWC) section 13.1871(g) and 16 Texas Administrative Code (TAC) section 24.35(c)(2).

On September 12, 2023, the Commission referred this case to the State Office of Administrative Hearings (SOAH), requesting assignment of an administrative law judge (ALJ) to conduct a hearing and to issue a proposal for decision if necessary to resolve any issues that are contested by the parties. On September 14, 2023, the Commission adopted a preliminary order that contains a list of issues to be addressed in this proceeding.

The Commission has jurisdiction over this matter pursuant to TWC sections 13.041, .1871, and .1872. 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 section 2003.049.

## **II. SETTING PREHEARING CONFERENCE AND INTERVENTION DEADLINE**

A prehearing conference will be convened at **10:00 a.m. on November 29, 2023**, via Zoom videoconference. Attend the hearing in one of these ways:

To join by computer or smart device, go to

<https://soah-texas.zoomgov.com> and enter:

Meeting ID: 160 509 7091

Video Passcode: PUC483

To join by telephone (audio only), call  
+1 669 254 5252, and enter:

Meeting ID: 160 509 7091

Telephone Passcode: 728330

Matters that may be discussed include procedures, pending motions, possible settlement of issues, the procedural schedule (including the hearing date), whether notice has been provided to the Office of Public Utility Counsel, and other matters that may aid in efficient and fair processing of this case.

At least 20 days before the prehearing conference, Enviro-Management **SHALL** provide notice of the prehearing conference to the governing body of each affected municipality and county and to each ratepayer per the requirements in Texas Water Code section 13.1871(m)-(n) and 16 Texas Administrative Code section 24.27(d)(2) relating to notice of the prehearing conference. The notice **SHALL** include the text of the paragraph immediately before, and the paragraph immediately after, this paragraph (regarding Zoom log-in information and intervention deadlines). Before providing notice, Enviro-Management **SHALL** consult with Commission Staff regarding the notice to be provided. Enviro-Management **SHALL**, no later than November 22, 2023, file an affidavit and a copy of the notice, demonstrating that it provided the notice as required.

To participate as a party in this case, a person shall move to intervene either (1) in a written motion to intervene filed at the Commission **no later than November 24, 2023**; or (2) **orally at the November 29, 2023 prehearing**

**conference.** Any filed motion shall include both SOAH Docket No. 473-24-00831 and PUC Docket No. 54683, 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.

### **III. 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 54683 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 ALJs' administrative assistant, Lisa Gomez, at (512) 475-0403 or [lisa.gomez@soah.texas.gov](mailto:lisa.gomez@soah.texas.gov). SOAH support personnel may not provide advice or interpret law or orders for the parties. Except as modified by orders issued in this case by the Commission or SOAH, the Commission's procedural rules govern this case. The parties should review the Commission and SOAH websites as needed for updates regarding any such modifications.

## **A. FILING AND SERVICE**

Filing of pleadings is governed by 16 Texas Administrative Code section 22.71 and service is governed by section 22.74. However, under the Commission's Second Order entered in Docket No. 54683, all parties must file any pleading or 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. Filings should not be made at SOAH. All filings must contain both the SOAH and PUC 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. At this time, service must be accomplished by e-mail. Any party to this proceeding who has not previously provided an e-mail address SHALL, no later than seven days after the date of this order, file a notice informing the parties of the e-mail address to be used for service.

## **B. MOTIONS**

Motions for continuance shall be governed by 16 Texas Administrative Code section 22.79. If a continuance or extension of time is sought, the motion shall propose a range of new date dates and state whether the other parties agree. The ALJ will not contact parties to ascertain their position or to negotiate dates. In the absence of a ruling by the ALJ, a contested motion for continuance or extension is not granted and the existing schedule remains in place. Unless otherwise specified in the

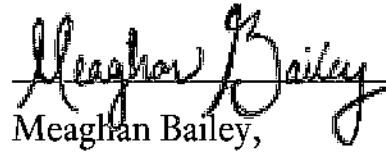
applicable procedural rules, responses to any motion or other pleading shall be filed within five working days from receipt of the motion or pleading. The response shall state the date of receipt of the motion or pleading to which a response is made. If a party does not respond to a motion, the ALJ will assume that the party agrees with the motion or does not oppose the requested relief.

### **C. DISCOVERY**

Discovery may begin immediately. 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 Commission Procedural Rule section 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 October 17, 2023**

ALJ Signature(s):

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Meaghan Bailey,

Administrative Law Judge

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Daniel Wiseman,

Administrative Law Judge