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**BEFORE THE
STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

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

SOAH ORDER NO. 2

**MEMORIALIZING PREHEARING CONFERENCE; REQUIRING FILING;
REFERRING TO MEDIATION; ADOPTING PROCEDURAL SCHEDULE;
SETTING HEARING ON THE MERITS**

I. PREHEARING CONFERENCE

On November 29, 2023, the undersigned Administrative Law Judge (ALJ) convened the prehearing conference and the following parties appeared and participated: Enviro-Management; staff (Staff) for the Public Utility Commission of Texas; Rhonda Bynum; Deborah Davis; John Franklin; Louis Goss; and Yvonne

Weaver.¹ During the prehearing conference, the parties discussed Staff's proposed procedural schedule and the possibility of participating in mediation. The parties tentatively agreed to Staff's schedule, as provided below, and agreed that mediation would be beneficial and that they would participate.

The ALJ ordered the parties to confer and file an agreed proposed procedural schedule by December 1, 2024. Staff filed a proposed schedule on that date and indicated that it emailed the proposed schedule to Enviro Management, Mr. Newton, Mr. Franklin, Ms. Bynum, and Ms. Davis; but that it could not email the schedule to Ms. Goss or Ms. Weaver because they did not provide their contact information after the prehearing conference. Staff noted that it has only received a response from Ms. Davis who was unopposed to the procedural schedule.

II. REQUIRING CONTACT INFORMATION

To receive service of other parties' pleadings and the ALJs' orders, Mr. Goss and Ms. Weaver **SHALL** file their email address (or permanent address at which they accept mail if they do not have an email address) by **January 24, 2024**.

III. REFERRAL TO MEDIATION

Per the parties' agreement to participate in mediation at the prehearing conference, it is **ORDERED**:

¹ Ms. Bynum, Ms. Davis, Mr. Franklin, Mr. Goss, and Ms. Weaver were **ADMITTED** as parties at the prehearing conference.

1. That 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, if applicable) who has full settlement authority for this matter.
4. The case shall be returned to the presiding ALJ on March 4, 2024, unless extended by order of the undersigned presiding ALJ upon proper motion by one or more parties.

IV. PROCEDURAL SCHEDULE

No objections were filed in response to Staff's proposed schedule, as such, it as **ADOPTED**, as set forth below with minor modifications, and shall govern this proceeding unless otherwise ordered:

Event	Date
Discovery ends on Enviro-Management's Direct Testimony	January 8, 2024
Objections to Enviro-Management's Direct Testimony	January 9, 2024
Intervenor Testimony or Statement of Position	January 29, 2024
Objections to Intervenor Testimony of Statement of Position	January 31, 2024
Staff Direct Testimony	February 16, 2024
Objections to Staff's Direct Testimony	February 23, 2024
Mediation	February 27, 28, or 29, 2024
Discovery Ends on Intervenors' /Staff's Direct Testimony	March 1, 2024

Enviro-Management Rebuttal Testimony	March 6, 2024
Discovery Ends on Enviro-Management's Rebuttal Testimony	March 13, 2024
Prehearing Conference and Submission of Exhibits and Witness Lists (see submission requirements described below)	March 25, 2024
Hearing on the Merits	March 27, 2024
Initial Briefs	April 12, 2024
Reply Briefs	April 19, 2024

Additionally, the following procedural matters are **ADOPTED**:

1. Drafts of testimony and discovery responses and emails containing drafts of testimony and discovery responses are not discoverable.
2. Email service is a valid method of service.

If due to mediation or other circumstances the parties wish to revise the deadlines adopted in the procedural schedule, they may file an agreed, revised schedule or propose a revised schedule individually that will be subject to objections from the other parties.

V. SETTING HEARING ON THE MERITS

A hearing on the merits will be convened **at 9:00 a.m. (CT) on March 27, 2024**, 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

VI. PREHEARING SUBMISSION OF EXHIBITS AND WITNESS LISTS

The parties **SHALL** comply with the following prehearing requirements and deadlines regarding prefiling exhibits and witness identification. **No later than March 25, 2024:**

1. Each party **SHALL** file a witness list identifying all witnesses the party expects to call to testify during the hearing. The party shall also identify its witnesses, if any, for whom all other parties have waived cross-examination.
2. Each party **SHALL** file a list of all exhibits it intends to offer at the hearing (including, for example, on cross-examination).
3. The parties **SHALL** deliver an electronic copy (USB) of all exhibits the party intends to offer along with a copy of the party's witness list and exhibit list to the court reporter to be maintained as the record copy. The parties shall coordinate with the court reporter on where to send their exhibits.
4. The parties **SHALL** exchange with each other a marked copy of all exhibits they intend to offer at the hearing.

Signed January 17, 2024

ALJ Signature(s):



Meaghan Bailey,

Administrative Law Judge



Daniel Wiseman,

Administrative Law Judge