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**SOAH DOCKET NO. 473-24-09299.WS
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PETITION OF ARIZA GOSLING	§	BEFORE THE STATE OFFICE
OWNER LLC APPEALING THE	§	
WATER RATES ESTABLISHED BY	§	OF
NORTHAMPTON MUNICIPAL	§	
UTILITY DISTRICT	§	ADMINISTRATIVE HEARINGS

**NORTHAMPTON MUNICIPAL UTILITY DISTRICT’S
RESPONSE TO SOAH ORDER NO. 3**

Northampton Municipal Utility District (the “District”) submits this response to SOAH Order No. 3 regarding discovery procedures. SOAH Order No. 3 was issued on February 21, 2024 instructing the District to file any objections to the proposed discovery procedures within five working days of the date of the order, therefore, this pleading is timely filed.

I. DISCOVERY PROCEDURES

The District agrees that the modified discovery procedures proposed in Order No. 3 are appropriate except for the requirement that responses are due within 10 calendar days of the discovery request and objections are due within five working days of the discovery request.¹ Under 16 Texas Administrative Code (“TAC”) § 22.144(k), the parties may agree to a modification of deadlines for responses, but without such an agreement, the default discovery procedures under 16 TAC § 22.144 should apply such that the parties will have 20 calendar days to respond to a request after receiving a request and 10 calendar days to file objections.²

The shortened discovery procedures proposed by Ariza Gosling Owner LLC (“Ariza Gosling”) are not necessary or practical. Ariza Gosling initially proposed an expedited procedural schedule that may have required expedited discovery deadlines had it been adopted, but it was not.

¹ SOAH Order No. 3 at 6.

² 16 TAC § 22.144(c) and (d).

Further, on February 26, 2024, Ariza Gosling served 45 extensive and detailed discovery requests (73 requests including subparts). Many of these requests are exact replicas of requests initially served on the District by Public Utility Commission of Texas (“Commission”) Staff that Commission Staff and the District agreed to temporarily abate while the parties continue to discuss the scope of direct testimony in this proceeding. The requests will require significant expenditure of time and resources to prepare responses, and the District does not have the internal resources to respond to extensive discovery under expedited timelines because it does not regularly litigate its rates at the Commission or employ dedicated internal regulatory support to do so. The Commission’s default discovery response and objection timelines should apply because expedited procedures have not been agreed to.

II. PRAYER

For the foregoing reasons, the District requests that the Administrative Law Judge establish discovery procedures consistent with the Commission’s default discovery procedures, that allow 20 calendar days for responding to discovery requests and 10 calendar days for objecting to requests and grant the District such other relief to which it has shown itself to be justly entitled.

Respectfully submitted,

/s/Evan D. Johnson
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**ATTORNEYS FOR NORTHAMPTON
MUNICIPAL UTILITY DISTRICT**

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of February 2024, notice of the filing of this document was provided to all parties of record via electronic mail in accordance with the Second Order Suspending Rules issued in Project No. 50664.

/s/Evan D. Johnson

Evan D. Johnson