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**BEFORE THE
STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

**COMPLAINT OF JOSEPH FRIZZEL AGAINST
NEW PROGRESS WATER SUPPLY CORPORATION**

**SOAH ORDER NO. 4
ADOPTING AGREED PROCEDURAL SCHEDULE; SETTING HEARING ON
THE MERITS; AND PRE- AND POST-HEARING PROCEDURES**

I. ADOPTING AGREED PROCEDURAL SCHEDULE

On March 3, 2025, New Progress Water Supply Corporation (New Progress) filed a motion noting that the parties to this proceeding had conferred and agreed on a procedural schedule. No objections were filed. Accordingly, the parties' proposed procedural schedule below is **ADOPTED** and shall govern in this proceeding unless otherwise ordered:

Event	Date
Discovery deadline (must be served such that answers are due by this date)	July 14, 2025
Statement of Position - Complainant must specify the relief sought by the Commission	July 18, 2025
Complainant's prefiled testimony (must include list of witnesses and exhibits)	July 28, 2025
New Progress's and PUC Staff's prefiled testimony (must include list of witnesses and exhibits)	August 18, 2025
Objections to prefiled testimony	August 25, 2025
Response to objections to prefiled testimony	September 2, 2025
Submit exhibits to SOAH via Kiteworks, as instructed below	September 3, 2025
Prehearing Conference (if needed)	September 5, 2025
Hearing on the merits	September 9-11, 2025

Because the hearing is set to last more than one day, a court reporter must be retained to transcribe the hearing and that transcription will be maintained as the official record of the hearing.¹ As the movant, the Complainant **SHALL**, as soon as practicable, coordinate with a court reporting service to provide transcription services for the hearing and shall promptly notify the other parties of the reporting service that has been secured.

Should the parties determine that only one day is necessary for the hearing, they may agree to revise the above schedule so that the hearing will commence on

¹ 1 Tex. Admin. Code § 155.423(b).

any one of the three days currently reserved, September 9, 10, or 11, 2025, and no court reporter will be required to transcribe the hearing. If the parties agree on a one-day hearing, they must file a notice informing the ALJ of that decision as soon as possible. In that situation, the ALJ will make an audio recording the hearing and that recording will be maintained as the official record of the hearing.

II. SETTING FINAL PREHEARING CONFERENCE AND HEARING ON THE MERITS

If needed, the final prehearing conference will be held at 9:00 a.m. (CT) on September 5, 2025, and will be accessible through the Zoom log-in information provided below. If a final prehearing conference is unnecessary, the parties shall file an agreed notice as soon as possible indicating that they waive the prehearing conference.

The hearing on the merits will commence at 9:00 a.m. (CT) on September 9, 2025. The hearing is currently expected to last 3 days. The following is the Zoom log-in information the parties should use to access the final prehearing conference and/or the hearing on the merits:²

To join by computer or smart device, go to

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

Meeting ID: 160 122 2695

Video Passcode: PUC558

² 1 Tex. Admin. Code section 155.405(c).

To join by telephone (audio only), call

+1 669 254 5252, and enter:

Meeting ID: 160 122 2695

Telephone Passcode: 549957

III. PRE- AND POST-HEARING PROCEDURES

A. COURT REPORTER REQUIREMENTS

As soon as practicable, Complainant SHALL:

- Secure a court-reporting service to transcribe the hearing and notify the other parties of the service that has been retained; and
- Confirm with the court-reporting service how the court reporter prefers to receive the parties' electronic pre-hearing exhibits and exhibit/witness lists and notify the other parties of that preferred process.

B. PRE-HEARING SUBMISSIONS

By September 3, 2024, three business days before the hearing, the parties SHALL comply with the following requirements:

- The parties shall, after conferring with each other file on the Commission's Interchange:
 - An agreed order of presentation, witnesses, and cross-examination for the hearing; and
 - A list of witnesses for whom cross-examination has been waived.
- Each party shall submit electronic copies of the following to SOAH, all other parties, and the court reporter:
 - a list of all witnesses the party intends to call to testify during the hearing, listed in the order that the party intends to call them;

- a list of all exhibits the party intends to offer at the hearing in MS Word format (including, for example, on cross-examination, if known prior to the hearing); and
- all exhibits included on the party's exhibit list.

1. Pre-Hearing Submissions to SOAH via Kiteworks

SOAH has recently implemented a new file-sharing platform for submission of exhibits. **The parties shall upload any proposed exhibits** via SOAH's Kiteworks platform at <https://soah.kiteworks.com/form/upload#/>

Parties **SHALL** comply with the following instructions when uploading prehearing exhibits:

- Select the "Prehearing Submission" tab.
- All exhibits must be clearly labeled to identify the submitting party, the exhibit number, and a brief description. Parties may submit up to 10 individual files or folders per upload.³ The contents of any folders that are uploaded must be clearly identified. Examples provided below:
 - Staff Direct (folder): Staff Ex. 1 Eiland Direct Redacted (*file*); Staff Ex. 1B Eiland Direct Workpapers (*file*); Staff Ex. 2 Quijano Direct Redacted (*file*)
 - Staff Direct-Confidential (folder): Staff Ex. 1A Eiland Direct-Confidential (*file*); Staff Ex. 2A Quijano Direct-Confidential (*file*)
- There is a 2-gigabit limit per submission. Parties with exhibits that may reach or exceed that limit are encouraged to compress (i.e., zip) their uploaded files/folders.
- **Confidential/HSPM Exhibits Separated From Non-Confidential**: Parties shall make *separate uploads* in Kiteworks to submit Confidential and Highly Sensitive Protected Materials (HSPM), if any. The party must select the

³ If a party seeks to upload more than 10 files, the party shall upload a zipped folder containing the individual files. For purposes of uploading, Kiteworks considers one file folder, even if it contains multiple/numerous subfolders, as one file.

appropriate classification in the “Designate Classification” field in Kiteworks, and the files and folders must also be clearly labeled as Confidential or HSPM.

- Further information may be found on at <https://www.soah.texas.gov/kiteworks-secure-file-sharing>

2. Pre-Hearing Submissions to other parties and the court reporter:

Kiteworks is a one-way submission platform to allow SOAH to receive exhibits. The use of Kiteworks does not relieve the parties of obligations to exchange exhibits among each other. The parties may exchange exhibits to each other by any means agreed to by the parties and shall submit their exhibits and exhibit/witness lists to the court-reporting service through its preferred process addressed above.

C. POST-HEARING SUBMISSIONS

- **No later than the first business day following the conclusion of the hearing**, the parties shall confer and arrange to organize the admitted, record set of exhibits. All exhibits should be readily identifiable by specific folder (*e.g.*, Complainant Admitted Exhibits, Staff Admitted Exhibits, etc.). A party’s failure to timely include its exhibits in the record set of exhibits may result in submission of an incomplete record to the agency.
- **No later than the second business day following conclusion of the hearing**, the parties shall submit the final, record set of exhibits in electronic format to the court-reporting service. This submission shall contain all exhibits that were admitted as evidence or accompanied by an offer of proof. 1 Tex. Admin. Code § 155.101(b)(1)(G)(iii). This set of exhibits will constitute the “record set” that SOAH will send to the Commission when SOAH’s involvement has concluded.

D. GENERAL REQUIREMENTS FOR EXHIBIT LISTS AND EXHIBITS

Parties **SHALL** comply with the following requirements for all pre- and post-hearing exhibit submissions:

- Exhibit lists shall identify any exhibit containing Protected Materials or Highly Sensitive Protected Materials under the Protective Order adopted in this proceeding.
- Exhibits shall be marked with the offering party's name and the exhibit number.
- Exhibits should be numbered sequentially, and multipage documents shall be paginated or Bates-stamped.
- Exhibits not meeting a requirement in this order may not be admitted into the record absent good cause.

For questions about SOAH's Kiteworks platform, call the Chief Clerk's Office at (512) 475-4993.

Signed March 11, 2025

ALJ Signature(s):


Meaghan Bailey,

Presiding Administrative Law Judge