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SOAH Docket No. 473-25-02250

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PUC Docket No. 56520

**BEFORE THE
STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

**COMPLAINT OF DANIEL DEWEBER AND
PRAIRIE BRANCH PROPERTIES LLC AGAINST
AMON CARTER LAKE WATER SUPPLY CORPORATION**

**SOAH ORDER NO. 3: SETTING PROCEDURAL SCHEDULE
WITH HEARING ON THE MERITS**

A prehearing conference was convened on November 7, 2024, and a procedural schedule and potential for mediation were discussed. Following the prehearing conference, the Administrative Law Judges issued Order No. 2: Setting Deadline for Procedural Schedule and Referring Case to Mediation, ordering the parties to confer and, if agreement was reached, file an Agreed Procedural Schedule; in the event that no agreement was reached, each party was ordered to file a proposed Procedural Schedule on its own behalf.

Pursuant to Order No. 2, Staff for the Public Utilities Commission of Texas (“Staff”) filed an Agreed Proposed Procedural Schedule on November 21, 2024, with the agreement of Complainants Daniel Deweber and Prairie Branch Properties LLC (together, “Complainants”), but stated that Amon Carter Lake WSC (“Respondent”) had not responded to attempts to confer regarding the schedule. As of November 22, 2024, no proposed schedule has been filed by Respondent. The Agreed Proposed Procedural Schedule filed by Staff is adopted as provided more specifically below.

I. PROCEDURAL SCHEDULE

IT IS ORDERED that the following procedural schedule shall govern this case:

DATE	EVENT
November 15 – January 15, 2024	Parties shall engage in mediation and settlement discussions
January 22, 2025	Parties shall advise whether mediated settlement was achieved
January 28, 2025 at 10AM (CST)	Prehearing Conference
February 27, 2025	Deadline for Complainants to pre-file Direct Testimony
March 27, 2025	Deadline for Respondent to pre-file Direct Testimony
April 10, 2025	Deadline for Staff to pre-file Direct Testimony or Statement of Position
April 17, 2025	Deadline for Discovery on Parties’ Direct Testimony
April 24, 2025	Deadline for all parties to pre-file Rebuttal Testimony

May 1, 2025	Deadline for Discovery on Rebuttal Testimony
May 8, 2025	Deadline for filing Stipulations on uncontested matters and dispositive motions
May 15, 2025 at 1PM (CST)	Final Prehearing Conference
May 21, 2025 at 9AM (CST)	Hearing on the Merits
June 4, 2025	Deadline to file Initial Briefs
June 18, 2025	Deadline to file Reply Briefs

In addition, **IT IS ORDERED** that:

1. Drafts of testimony and email communications containing drafts of testimony are not discoverable.
2. Discovery requests received after 3:00PM are deemed to have been received the following business day.
3. Responses to Discovery requests on Direct Testimony are due within 10 business days of the date the request is received.
4. Responses to Discovery requests on Rebuttal Testimony are due within five calendar days of the date the request is received.

II. HEARING ON THE MERITS

The ALJs will convene the hearing on the merits on May 21, 2025, and the hearing will begin at 9:00AM (CST) remotely by Zoom videoconference. The hearing is expected to last one day. Attend the prehearing conferences and hearing on the merits in one of these ways:

Computer or smart device:

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

Meeting ID: 160 277 4628

Video Passcode: PUC576

Telephone (audio only):

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

Meeting ID: 160 277 4628

Telephone Passcode: 911093

III. PRE- AND POST-HEARING PROCEDURES

The parties shall comply with the following procedures.

A. PRE-HEARING SUBMISSIONS

By May 16, 2025, three business days before the hearing, the parties **SHALL** submit electronic copies of (1) 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, (2) 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 (3) all exhibits included on the party's exhibit list, to the following persons/entities as described below:

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.¹ 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 Exhibits Separated From Non-Confidential:** Parties shall make *separate uploads* in Kiteworks to submit material protected by any Protective Order adopted in this proceeding. The party must select the appropriate classification in the “Designate Classification” field in Kiteworks, and the files and folders must also be clearly labeled as Confidential.

2. Pre-Hearing Submissions to other parties:

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 email or any other means agreed to by the parties and the court-reporting service.

B. 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., Applicant Admitted Exhibits, Staff Admitted Exhibits, etc.). This set of exhibits will constitute the “record set” that SOAH will send to the Commission when SOAH’s involvement has concluded. 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.

C. 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 material protected by any 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.

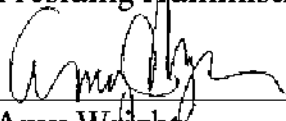
For questions about SOAH’s Kiteworks platform or if a person experiences technical difficulties with joining the hearing, contact the Chief Clerk’s Office or the ALJ’s legal secretary, Tujuana Tate, at (512) 475-4993. SOAH support personnel are not authorized to provide advice or interpret orders or other legal requirements for the parties.

Signed November 25, 2024.

ALJ Signatures:



Linda Brite
Presiding Administrative Law Judge



Amy Wright
Presiding Administrative Law Judge