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STATE OFFICE OF  
ADMINISTRATIVE HEARINGS  
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ACCEPTED  
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4/26/2023 4:07:51 pm  
STATE OFFICE OF  
ADMINISTRATIVE HEARINGS  
Crystal Rosas, CLERK

**SOAH DOCKET NO. 582-23-10368**  
**TCEQ DOCKET NO. 2022-1731-MWD**

<b>APPLICATION BY</b>	<b>§</b>	<b>BEFORE THE STATE OFFICE</b>
<b>R040062, LP</b>	<b>§</b>	
<b>FOR</b>	<b>§</b>	<b>OF</b>
<b>TPDES PERMIT NO. WQ0016008001</b>	<b>§</b>	
		<b>ADMINISTRATIVE HEARING</b>

**JOINT PROPOSED PROCEDURAL SCHEDULE  
AND STATEMENT OF POSITION**

TO THE HONORABLE ADMINISTRATIVE LAW JUDGE:

Come now, the parties in this matter and file this joint Proposed Procedural Schedule and Statement of Position on certain Preliminary Hearing matters.

**I. Proposed Procedural Schedule**

With the exception of Mr. Bichsel and Ms. Cifuentes, whom counsel have not heard from, all parties are in agreement with the following proposed schedule:

<b>Deadline/Date</b>	<b>Event/Activity</b>
April 24, 2023	Preliminary Hearing; Discovery Begins.
May 19, 2023	Mediation Deadline
June 9, 2023	Deadline for Protestants and OPIC to file direct testimony, proposed order of witnesses, and exhibits.
July 7, 2023	Deadline for Applicant and ED to file direct testimony, proposed order of witnesses, and exhibits.
July 21, 2023	Deadline for all parties to file objections and motions to strike pre-filed testimony and exhibits. Deadline to file dispositive motions.
July 28, 2023	Deadline for all parties to file responses to objections and motions to strike pre-filed evidence and to file responses to dispositive motions; Deadline to complete all discovery.

August 10, 2023	Prehearing conference to rule on objections to pre-filed evidence and other pending motions; parties may appear by telephone with previous notice to the ALJ and other parties.
<b>August 15-17, 2023</b>	<b>Hearing on the merits at the State Office of Administrative Hearings. 300 West 15th Street, Fifth Floor, Austin, Texas</b>
September 7, 2023	Deadline for all parties to file written closing arguments.
September 14, 2023	Deadline for all parties to file written responses to closing arguments; record closes.
November 13, 2023	Deadline to Issue Proposal for Decision.

## **II. Discovery and Procedural Matters**

The Parties agree that all service between the parties in the matter shall be conducted by email. The parties further agree that drafts of testimony and statements of position and emails transmitting drafts of testimony and statements of position will not be discoverable. The parties further agree that all discovery will be subject to a 21-calendar day response deadline, and that any depositions shall be scheduled on no less than 10 calendar days' notice to the other parties.

## **III. Hearing Format**

The Parties were unable to agree on the format for the hearing on the merits. The Applicant requests an in-person hearing on the merits, while other parties expressed a preference for flexibility between an in-person and virtual format for the hearing. The parties agreed that the prehearing conference would be held virtually.

## **IV. Mediation**

The Parties have agreed to mediate the matter consistent with the deadline set out in the proposed procedural schedule, and they have agreed that mediation will be conducted by SOAH.

The undersigned submits this pleading with agreement of all parties other than those listed above.

Respectfully submitted,

**Gregg Law PC**



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**CERTIFICATE OF SERVICE**

I certify pursuant to the above signature that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on April 26, 2023, in accordance with the Order Suspending Rules, issued in Project No. 50664.

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Kim Chambers on behalf of Peter Gregg

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Envelope ID: 75054817

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Filing Description: Joint Proposed Procedural Schedule and Statement of Position

Status as of 4/26/2023 4:09 PM CST

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