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SOAH DOCKET NO. 473-15-0614
PUC DOCKET NO. 42961

REQUEST OF GREENWOOD WATER
CORPORATION FOR APPROVAL OF
WATER UTILITY STOCK TRANSFER
CCN NO. 11792

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BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

2014 OCT 08 AM 9:06
FILED

SOAH ORDER NO. 1
MEMORIALIZING TELEPHONIC PREHEARING CONFERENCE;
SETTING PREHEARING SCHEDULE

On August 20, 2014, a request was filed with the Texas Commission on Environmental Quality (TCEQ) for approval of the transfer of stock in Greenwood Water Corporation (Greenwood) from Paul R. Wilhite to Permian Basin Water Resources, LLC (Purchaser). According to the request, if the transaction is approved and completed, Purchaser will become the owner of Greenwood. On September 1, 2014, jurisdiction over the sale of stock in a water utility was transferred from the TCEQ to the Public Utility Commission of Texas (Commission or PUC).¹

On October 6, 2014, the PUC referred this case to the State Office of Administrative Hearings (SOAH), requesting assignment of an administrative law judge (ALJ) to conduct a hearing and issue a proposal for decision, if necessary. The Commission has jurisdiction and authority over this matter pursuant to the Texas Water Code chapter 13² and PUC procedural rules at chapter 24.³ The Commission will consider and possibly adopt a preliminary order at its open meeting scheduled for November 14, 2014.

The undersigned ALJ convened a prehearing conference via telephone on October 27, 2014. Attorney Richard Hamala appeared on behalf of Greenwood and Purchaser, and A.J. Smullen appeared representing the staff (Staff) of the Public Utility Commission of Texas (PUC or Commission). The parties and the ALJ discussed the current status of the case, required notice, applicable rules, and a proposed procedural schedule.

¹ Acts 2013, 83rd Leg., R.S., Chs. 170 (H.B. 1600) & 171 (S.B. 567), eff. September 1, 2013.

² <http://www.puc.texas.gov/agency/rulesnlaws/statutes/PUCWaterStatutes.pdf>

³ <http://www.puc.texas.gov/agency/rulesnlaws/subrules/water/Water.aspx>

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The following procedural schedule is adopted for this proceeding, subject to change by future order:

DEADLINE	ACTION
November 5, 2014	Deadline for Greenwood to complete provision of notice to its customers of request for approval of stock transfer
November 7, 2014	Deadline for Greenwood to file affidavit attesting to provision of notice to its customers of request for approval of stock transfer
December 5, 2014	Deadline for parties to request intervention
December 19, 2014	Deadline for Staff to file a recommendation on final disposition, including a recommendation regarding whether this proceeding qualifies for administrative review pursuant to P.U.C. Proc. R. 22.32 OR Deadline for Staff to file a proposed procedural schedule for further processing of this proceeding, including a proposed date for a hearing on the merits
January 9, 2015	If this proceeding qualifies for administrative review, deadline for parties to file a proposed order, including proposed findings of fact and conclusions of law

SIGNED October 29, 2014.



CASEY A. BELL
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS