

Control Number: 43175



Item Number: 45

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APPLICATION OF COMMUNITY §
WATER SERVICE, INC. AND §
WALTER J. CARROLL FOR SALE, §
TRANSFER, OR MERGER OF §
FACILITIES AND CERIFICATE §
RIGHTS IN ELLIS COUNTY (37981-S) §

STATE OFFICE OF ADMINISTRATIVE
PUBLIC UTILITY COMMISSION
FILING CLERK
OF
HEARINGS

**AGREED MOTION TO PERMIT
(1) COMMUNITY WATER SERVICE, INC. TO APPEAR VIA TELEPHONE AND
(2) BONNIE FRAME, PRESIDENT OF COMMUNITY WATER SERVICE, INC.,
TO APPEAR AND TESTIFY BY TELEPHONIC MEANS**

TO THE HONORABLE LILO D. POMERLEAU:

COMES NOW Walter J. Carroll Water Co., Applicant, and files the above-titled Motion and would respectfully show as follows:

1. Pursuant to Texas Administrative Code, Title 1, Part 7, Chapter 155, Subchapter I, Rule § 155.405, Applicant respectfully requests that the following party be permitted to appear via telephone and that the following party witness be permitted to appear and testify by telephone at any forthcoming hearing in this matter:

Party - Community Water Service, Inc. and

Party Witness - Mrs. Bonnie Frame, President of Community Water Service, Inc.

2. Mrs. Frame is the President of Community Water Service, Inc. and is knowledgeable of Community Water Service, Inc.'s years and years and years of operation of the retail water system (and the Certificate of Convenience and Necessity) forming the basis of the above-referenced Application.

3. Applicant refers the Administrative Judge and all parties to the detailed pre-filed testimony of Mrs. Frame which has been filed in this proceeding, and Applicant requests that the

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Administrative Judge take Judicial Notice of the contents of the Official File in this proceeding, including all pre-filed testimonies of Mrs. Frame.

4. Mrs. Frame is the sole caretaker of her husband who is unfortunately suffering from a very serious and terminal illness which will unquestionably make traveling to Austin or other venue for any hearing in this matter a tremendous and unbearable hardship for Mrs. Frame and her husband.

5. Mrs. Frame tends to her husband's illness and condition on essentially a 24-hour basis when he is not seeking professional medical care, and even then, Mrs. Frame is and must be present with her husband at all hospital and physicians' visits.

6. Accordingly, Applicant respectfully requests that telephonic appearance be allowed for Community Water Service, Inc.'s appearance in any hearing in this matter, and that Mrs. Bonnie Frame be permitted to appear and testify by telephonic means in any hearing in this matter.

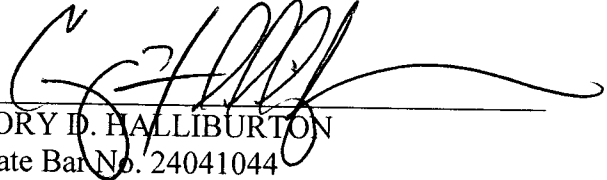
7. Community Water Service, Inc. and Mrs. Bonnie Frame will be the same party and party-witness who will appear by telephone at any hearing or proceeding in this matter.

8. At this time, the telephone number at which Community Water Service, Inc. and Mrs. Bonnie Frame may be reached at the time of any hearing in this matter is: 972-286-8051

WHEREFORE, Walter J. Carroll Water Co., respectfully requests that the Court grant this motion and that Community Water Service, Inc. be permitted to appear via telephone and Mrs. Bonnie Frame, President of Community Water Service, Inc. be permitted to appear and testify by telephone at any forthcoming hearing in this matter, and that the Administrative Judge grant such other and further relief to which Applicant may show itself justly entitled.

Respectfully submitted,

WEYCER, KAPLAN, PULASKI & ZUBER, P.C.

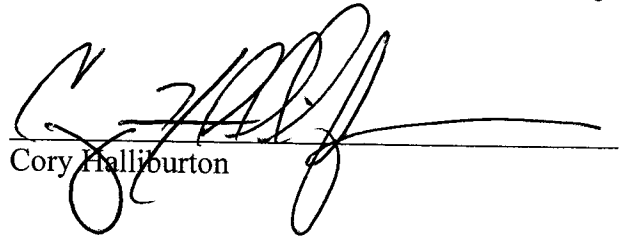


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ATTORNEYS FOR WALTER J. CARROLL
WATER CO., INC.

CERTIFICATE OF CONFERENCE

The undersigned does hereby certify that he has conferred with Mr. Doug M. Brown, attorney for the Public Utility Commission, and Mr. Robert Hager, attorney for the City of Red Oak, Texas, and that each of them expressed agreement and no opposition to the relief requested in this Motion.




Cory Halliburton

CERTIFICATE OF SERVICE

The undersigned does hereby certify that on this 4th day of August, 2015, a true and correct copy of the forgoing *Agreed Motion to Permit (1) Community Water Service, Inc. to Appear via Telephone and (2) Bonnie Frame, President of Community Water Service, Inc., to Appear and Testify by Telephonic Means* has been forwarded to the parties listed on the service list below via facsimile, email or certified mail as indicated. I certify that this Certificate of Service complies with Title 1, Part 7, Chapter 155, Subchapter C, Rule § 155.103 of the Texas Administrative Code.

PARTIES	REPRESENTATIVE / ADDRESS
PUBLIC UTILITY COMMISSION	<p><u>Via Facsimile (512) 936-7268</u> Mr. Doug M. Brown Attorney-Legal Division Legal Division Public Utility Commission 1701 N Congress Ave., Ste 8-110 Austin, TX 78711</p>
COMMUNITY WATER SERVICE, INC.	<p>Bonnie Frame Community Water Service, Inc. P.O. Box 850155 Mesquite, TX 75185 Email: Bonnie1015@aol.com</p> <p>Consulting Environmental Engineers, Inc. 150 N. Harbin Dr., Ste. 408 Stephenville, TX 76401 Email: ceeinc@ceeinc.org</p>
CITY OF RED OAK	<p><u>Via Facsimile (214) 965-0010</u> Mr. Robert E. Hager NICHOLS, JACKSON, DILLARD, HAGER & SMITH, L.L.P. 1800 Ross Tower 500 North Akard Dallas, Texas 75201</p>


 Cory Hallburton

SOAH DOCKET NO. 473-15-2274.WS
DOCKET NO. 43175

APPLICATION OF COMMUNITY	§	STATE OFFICE OF AMINISTRATIVE
WATER SERVICE, INC. AND	§	
WALTER J. CARROLL FOR SALE,	§	OF
TRANSFER, OR MERGER OF	§	
FACILITIES AND CERIFICATE	§	
RIGHTS IN ELLIS COUNTY (37981-S)	§	HEARINGS

**ORDER GRANTING AGREED MOTION TO PERMIT TESTIMONY OF
COMMUNITY WATER SERVICE CO. BY TELEPHONIC MEANS**

On this ___ day of _____, 2015, the undersigned Administrative Law Judge considered *Walter J. Carroll Water Company, Inc.'s Agreed Motion to Permit (1) Community Water Service, Inc. to Appear via Telephone and (2) Bonnie Frame, President of Community Water Service, Inc. to Appear and Testify by Telephonic Means*, and the Court having consideration same and the agreement of the parties, is of the opinion that same should be granted;

It is therefore, ORDERED, that Community Water Service, Inc. shall be permitted to appear via telephone in any forthcoming hearing or proceeding in this matter, and that Bonnie Frame, President of Community Water Service, Inc., shall be permitted to appear and testify by telephonic means for any forthcoming hearing or proceeding in this matter.

Signed: _____

LILO D. POMERLEAU
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS