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

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PUBLIC UTILITY COMMISSION
STATE OFFICE

APPLICATION OF COMMUNITY §
WATER SERVICE, INC. AND §
WALTER J. CARROLL WATER §
COMPANY, INC. FOR SALE, §
TRANSFER, OR MERGER OF §
FACILITIES AND CERTIFICATE §
RIGHTS IN ELLIS COUNTY §

BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

**SOAH ORDER NO. 10
ADMITTING EVIDENCE**


Pursuant to Order No. 8, no party had cross-examination for the witnesses scheduled to appear at the December 8, 2015 hearing on the merits. The Administrative Law Judge (ALJ) cancelled the hearing and the parties submitted their testimony to the ALJ at the State Office of Administrative Hearings. The following evidence is admitted:

Applicants Community Water Service, Inc. and Walter J. Carroll Water Company:
Exhibits A-1 through A-50 (see attached description).

Staff: Exhibit 1, testimony of Fred Bendarski III
Exhibit 2, testimony of Elisabeth English

Objections to the evidence, if any, shall be filed on or before February 8, 2016. A proposal for decision shall be issued shortly thereafter.

SIGNED February 1, 2016.



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

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SOAH DOCKET NO. 473-15-2274

PUC Docket No. 43175

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

00. 3/10/2015 PUC CADM

PRELIMINARY ORDER.

1. 5/14/2015 WALTER J. CARROLL WATER CO., INC.

NOTICE OF FILING BY WALTER J. CARROLL WATER CO., INC.

-- Pre-filed Testimony:

- A - Walter J. Carroll
- B - Bonnie Frame
- C - Ricky L. Reeder
- D - Charles P. Gillespie, Jr., P.E.

2. 5/14/2015 WALTER J. CARROLL WATER CO., INC.

NOTICE OF FILING – Applicant's Exhibits in Support of Pre-filed Testimony.

<u>Exhibit/ Tab</u>	<u>Description</u>
A-1	Community Water Service, Inc. and the Walter J. Carroll Water Company, Inc.'s Application for Sale, Transfer or Merger of a Retail Public Utility.
A-2	Resume of Walter J. Carroll.
A-3	July 2013 Agreement between Community Water Services, Inc. and Walter J. Carroll Water Co., Inc.
A-4	May 2015 Agreement between Community Water Services, Inc. and Walter J. Carroll Water Co., Inc.
A-5	Articles of Incorporation – Community Water Service, Inc.
A-6	Warranty Deed 1978.
A-7	Bill of Sale 1978.
A-8	Resume of Ricky L. Reeder, Operations Manager of Walter J. Carroll Water Co., Inc.
A-9	Resume of Charles P. Gillespie, Jr., P.E., President of Consulting Environmental Engineers, Inc.
A-10	List of Documents Reviewed by Charles P. Gillespie, Jr., P.E., President of Consulting Environmental Engineers, Inc.

<u>Exhibit/ Tab</u>	<u>Description</u>
A-11	Texas Natural Resource Conservation Commission, <i>Certificate For Outstanding Performance</i> , for period 1992-1996.
A-12	List of Documents Reviewed by Walter J. Carroll, President of Walter J. Carroll Water Co., Inc.
A-13	Business Records Affidavit with Financial Information of Walter J. Carroll Water Co., Inc.
A-14	Map of production, transmission and distribution facilities for the Facilities in question.
A-15	TCEQ Exit Interview Form April 7, 2015.
A-16	Customer List and Deposit Information.
A-17	Articles of Incorporation of Walter J. Carroll Water Co., Inc.
A-18	Ricky L. Reeder's Class C Ground Water Treatment Operator License issued by the TCEQ.
A-19	Records made available by the TCEQ in regard to regulatory performance histories of Community Water Service, Inc. and Walter J. Carroll Water Co., Inc.

3. 6/26/15 WALTER J. CARROLL WATER CO., INC.

NOTICE OF FILING – SUPPLEMENTAL DOCUMENTS IN SUPPORT OF APPLICATION.

<u>Exhibit/ Tab</u>	<u>Description</u>
A-20	Supplemental documentation regarding Walter J. Carroll Water Company's financial wherewithal necessary to purchase Red Oak Community Water System as indicated in the Application filed herein.
A-21	Documentation of Walter J. Carroll Water Company Inc.'s Water and Wastewater Utilities Annual Report for 2014.
A-22	Documentation evidencing Walter J. Carroll Water Company timely paid all regulatory assessment fees for Reporting Year 2014 which were due in January 2015.

4. 7/6/15 WALTER J. CARROLL WATER CO., INC.

SUPPLEMENTAL DOCUMENTS AND RESPONSES TO COMMISSIONS REQUEST FOR INFORMATION.

<u>Exhibit/ Tab</u>	<u>Description</u>
A-23	Map of Beckley Estates and CCN Service Area, with existing fire hydrants indicated
A-24	Picture of fire hydrant #1

<u>Exhibit/ Tab</u>	<u>Description</u>
A-25	Picture of fire hydrant #2
A-26	Picture of fire hydrant #3
A-27	Picture of fire hydrant #4
A-28	Picture of fire hydrant #5
A-29	Picture of fire hydrant #6
A-30	Picture of fire hydrant #7
A-31	Order TNRCC – May 18, 1994.
A-32	Certificate of Convenience and Necessity.
A-33	Map of Beckley Estates and CCN Service Area, with valve locations indicated.

5. OMMITTED

6. 10/15/2015 SOAH

SOAH ORDER NO. 5 GRANTING MOTION TO ADOPT PROCEDURAL SCHEDULE; NOTICE OF HEARING ON THE MERITS AND ON SANCTIONS; AND GRANTING MOTION TO COMPEL.

7. 10/30/15 WALTER J. CARROLL WATER CO., INC.

APPLICANT WALTER J. CARROLL COMPANY, INC.'S MOTION FOR SANCTIONS AND A SHOW CAUSE ORDER.

8. 8/4/15 WALTER J. CARROLL WATER CO., INC.

SUPPLEMENTAL DIRECT PRE-FILED TESTIMONY OF BONNIE FRAME IN SUPPORT OF APPLICANT'S, COMMUNITY WATER SERVICE, INC. AND WALTER J. CARROLL CO., INC.'S APPLICATION FOR SALE, TRANSFER OR MERGER OF FACILITIES AND CERTIFICATE RIGHTS IN ELLIS COUNTY, TEXAS.

9. 9/25/15 WALTER J. CARROLL WATER CO., INC.

APPLICANT WALTER J. CARROLL COMPANY, INC.'S TRANSMISSION OF WARRANTY DEED, BILL OF SALE AND

AFFIDAVIT OF NOTICE TO NEIGHBORING UTILITIES AND AFFECTED PARTIES TO OPPOSING COUNSEL.

- A copy of a Certified Copy of the Warranty Deed dated June 28, 1978.
- A copy of a Certified Copy of the Bill of Sale dated June 28, 1978.
- Affidavit of Notice to Neighboring Utilities and Affected Parties dated January 21, 2015.

10. 11/12/15 WALTER J. CARROLL WATER CO., INC.

APPLICANT WALTER J. CARROLL COMPANY, INC.'S NOTICE OF PRODUCTION OF SUPPLEMENTAL DOCUMENTATION IN SUPPORT OF APPLICATION.

<u>Exhibit/ Tab</u>	<u>Description</u>
A-34	Photo of Community Water Service Facility.
A-35	Photo of Community Water Service Facility (2).
A-36	Ricky L. Reeder License – Class C Ground Water Treatment Operator.
A-37	Texas Department of Health Certificate of Competency – Walter J. Carroll.
A-38	Texas Natural Resource Conservation Commission certificate – Water J. Carroll Waterworks Operator.
A-39	Picture of office equipment.
A-40	Omitted (due to numbering off on photos).
A-41	Photo of Depth of Transmission Lines.
A-42	Photo of Depth of Transmission Lines.
A-43	Photo Depth of Transmission Lines.
A-44	Omitted (due to numbering off on photos).
A-45	Photo of Walter J. Carroll Water Co., Inc. Retail Water Facility.
A-46	Photo of Walter J. Carroll Water Co., Inc. Retail Water Facility (front).
A-47	Photo of Walter J. Carroll Water Co., Inc. Equipment (Red Tractor).
A-48	Photo of Walter J. Carroll Water Co., Inc. Retail Water Facility.
A-49	Photo of Walter J. Carroll Water Co., Inc. Equipment (Backhoe).
A-50	Photo of Walter J. Carroll Water Co., Inc. Retail Water Facility.