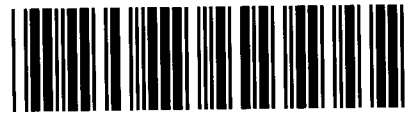


Control Number: 44484



Item Number: 11

Addendum StartPage: 0

REQUEST BY MARYANNE THERIOT §
PURSUANT TO TEXAS WATER CODE §
§ 13.004 REGARDING ETOILE §
WATER SUPPLY CORPORATION §

BEFORE THE PUBLIC UTILITY COMMISSION
OF TEXAS
2016 APR -6 PM 1:49
COMMISSION FILING CLERK

**ETOILE WATER SUPPLY CORPORATION'S
COMMENTS ON PROPOSED ORDER**

Etoile Water Supply Corporation ("Etoile") files these comments on the Proposed Order in compliance with the Administrative Law Judge's memo dated March 17, 2016. These comments are timely filed. Etoile is supportive of the Proposed Order in all respects except Conclusion of Law No. 1, as explained herein.

As noted in Section I (Background) of the Proposed Order, the Public Utility Commission ("Commission") correctly finds that Etoile did not violate Tex. Water Code § 13.004(a)(1) or (2). These statutory provisions provide that the Commission's jurisdiction over a water supply corporation such as Etoile arises only if a violation of § 13.004(a)(1) or (2) is found. The penultimate sentence of Section I of the Proposed Order is correct: "For these reasons, the Commission finds that Etoile did not violate TWC § 13.004(a)(1) or (2) when it changed its Election Procedures by removing the member signatures requirement in the Application for Director section; *therefore, this matter is dismissed for lack of jurisdiction.*"¹

The Proposed Order also correctly notes in Finding of Fact No. 4 that the Commission Staff recommended dismissal of Ms. Theriot's complaint for lack of jurisdiction. In addition, Ordering Paragraph No. 1 correctly concludes that "Ms. Theriot's request is dismissed pursuant to 16 TAC § 22.181(a)(1)(A), for lack of jurisdiction."²

However, as presently drafted, Conclusion of Law No. 1 is inconsistent with the discussion in Section I, with Etoile's and Commission Staff's recommendation, and with

¹ Proposed Order at 3 (Mar. 17, 2016) (emphasis added).

² Proposed Order at 5.

||

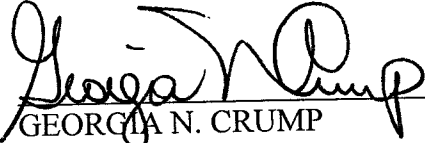
Ordering Paragraph No. 1. Conclusion of Law No. 1 currently reads: "The Commission has jurisdiction over this matter pursuant to TWC § 13.004(a)."

Etoile respectfully submits that proposed Conclusion of Law No. 1 is incorrect, and creates confusion within the Order by contradicting other portions of the Order. Etoile suggests that Conclusion of Law No. 1 can be revised to remove the contradiction, as follows: "The Commission investigated the Complaint in accordance with TWC § 13.004(a)." Etoile has discussed this change with Commission Staff, and understands that Staff will likewise be suggesting this slight revision.

Etoile appreciates the opportunity to provide these comments, and respectfully requests that the Proposed Order be revised as suggested herein, and this proceeding be dismissed.

Respectfully submitted,

LLOYD GOSSELINK ROCHELLE
& TOWNSEND, P.C.
816 Congress Avenue, Suite 1900
Austin, Texas 78701
(512) 322-5800
(512) 472-0532 (Fax)
gcrump@lglawfirm.com



GEORGIA N. CRUMP
State Bar No. 05185500

JEFFERSON B. DAVIS
Attorney at Law
118 E. Hospital Street, Suite 301
Nacogdoches, Texas 75961
(936) 564-5000
(936) 559-5000 (Fax)
jeffersonbdavislaw@gmail.com

ATTORNEYS FOR ETOILE WATER SUPPLY
CORPORATION

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was transmitted by facsimile, e-mail and/or regular, first class mail on this 6th day of April, 2016, to the parties of record.



GEORGIA N. CRUMP