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DOCKET NO. 44484

REQUEST BY MARYANNE THERIOT	§	PUBLIC UTILITY COMMISSION
PURSUANT TO TEXAS WATER CODE	§	
§ 13.004 REGARDING ETOILE WATER	§	OF TEXAS
SUPPLY CORPORATION	§	

ORDER NO. 2
REQUIRING THERIOT REPLY

On February 24, 2015, Maryanne Theriot (Theriot) filed a request to investigate the election procedures of Etoile Water Supply Corporation (Etoile) pursuant to Tex. Water Code § 13.004 (TWC).

On September 23, 2015, Public Utility Commission of Texas (Commission) Staff proposed a procedural schedule for this proceeding. Commission Staff stated that Theriot filed this proceeding under TWC § 13.004 and 16 Tex. Admin. Code § 24.35, which provides the Commission jurisdiction over water supply corporations under certain conditions.

On September 25, 2015, Order No. 1 was issued, establishing deadlines for Etoile's response and Commission Staff's position statement.

On October 23, 2015, Etoile responded and moved for dismissal. Etoile alleged that Theriot's request fails to allege any grounds for the Commission to take jurisdiction over its election procedures and that the Commission's jurisdiction does not extend to enforcement of the Texas Open Meetings Act.
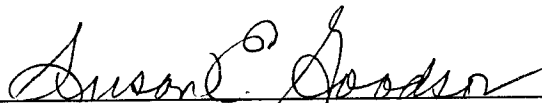
On November 20, 2015, Commission Staff filed a position, recommending that that the Commission does not have jurisdiction over Etoile under TWC § 13.004. Additionally, Commission Staff found that Etoile is not in violation of any statutory requirements by changing the application for a director to remove the requirement that the application have 20 signatures of members of the district, based upon TWC §§ 67.0052 and 67.007.

In light of the preceding, Theriot shall file a reply or withdraw her request by **December 22, 2015.** Failure to respond may result in a dismissal of this proceeding.

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SIGNED AT AUSTIN, TEXAS on the ____4____ **day of December 2015.**

PUBLIC UTILITY COMMISSION OF TEXAS

SUSAN E. GOODSON
ADMINISTRATIVE LAW JUDGE

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