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SOAH DOCKET NO. 473-17-2372.WS  
PUC DOCKET NO. 46438

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APPLICATION OF J&S WATER  
COMPANY, LLC FOR A  
RATE/TARIFF CHANGE

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BEFORE THE STATE OFFICE  
OF  
ADMINISTRATIVE HEARINGS

**SOAH ORDER NO. 10  
ADMITTING EVIDENCE, REMANDING THE CASE TO THE COMMISSION,  
AND DISMISSING THE CASE FROM SOAH'S DOCKET**

On November 23, 2016, J&S Water Company, LLC (J&S) filed an application with the the Public Utility Commission of Texas (Commission) requesting authority for rate and tariff changes. On January 26, 2017, the Commission referred this case to the State Office of Administrative Hearings (SOAH).

As discussed more fully in SOAH Order No. 3, in this case intervenor Lori Franz is representing herself, as well as all other intervenors, all of whose motions to intervene stated she was authorized to represent them. On October 5, 2017, J&S and the Commission staff (Staff) (collectively, the Signatories) filed an Unopposed Motion to Admit Evidence and Remand Proceeding to the Commission (Motion) and an Unopposed Stipulation and Settlement Agreement (Stipulation). The Motion and Stipulation state that: (1) J&S provided Ms. Franz a copy of those documents and requested that she communicate any opposition to them by 5 p.m. on September 15, 2017; (2) she acknowledged receipt of the documents and confirmed her understanding of the deadline to communicate any opposition to them; (3) she communicated no opposition to them; and (4) thus the Motion and the Stipulation are unopposed by all parties. Also on October 5, 2017, Staff filed affidavits in support of the Stipulation.

The Motion is **GRANTED**. Exhibit C to the Stipulation is a Proposed Final Order that contains agreed proposed findings of fact, conclusions of law, and ordering paragraphs. If this has not already been done, J&S **SHALL**, upon receipt of this order, email the Proposed Final Order to [cadmorders@puc.texas.gov](mailto:cadmorders@puc.texas.gov).

Order No. 3, issued by a Commission Administrative Law Judge on January 23, 2017, suspended the April 1, 2017 effective date for no more than 265 days. A series of SOAH orders

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issued beginning June 28, 2017, abated this case and extended the abatement period in order to facilitate settlement discussions. On July 7, 2017, J&S agreed to extend the jurisdictional deadline day-for-day during the period of abatement.

### I. ADMITTING EVIDENCE


As requested in the Motion, the documents listed below are **ADMITTED INTO EVIDENCE** for the purpose of supporting a Commission order approving the Stipulation:

1. Application of J&S Water Company, LLC for a Class B Rate/Tariff Change, filed November 23, 2016;
2. J&S's revised proof of notice, filed January 10, 2017;
3. J&S's Verification Affidavit, filed November 23, 2016;
4. Direct Testimony of Bret Fenner on behalf of J&S, filed May 1, 2017;
5. Direct Testimony of Philip S. Haag on behalf of J&S, filed May 1, 2017;
6. Unopposed Stipulation and Settlement Agreement, including attachments, filed October 5, 2017; and
7. Memoranda of Sean Scaff and Janie Kohl of the Commission's Water Utilities Division in support of the Unopposed Stipulation and Settlement Agreement, filed October 5, 2017.

### II. DISMISSAL FROM SOAH'S DOCKET AND REMAND TO THE COMMISSION

The Stipulation is unopposed and would resolve all issues in this case. Therefore, as requested in the Motion, this case is **DISMISSED** from SOAH's docket and is **REMANDED** to the Commission for final disposition.

**SIGNED October 9, 2017.**

  
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**ELIZABETH DREWS**  
**ADMINISTRATIVE LAW JUDGE**  
**STATE OFFICE OF ADMINISTRATIVE HEARINGS**