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DOCKET NO. 49290

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PETITION OF SWWC UTILITIES,  
INC. DBA WATER SERVICES, INC.  
APPEALING THE ORDER OF THE  
CITY OF BULVERDE IN COMPLAINT  
NO. 2018-01

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PUBLIC UTILITY COMMISSION  
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PUBLIC UTILITY COMMISSION  
FILING CLERK

**ORDER NO. 2  
FINDING PETITION DEFICIENT AND ESTABLISHING AN OPPORTUNITY TO  
CURE**

This Order addresses the sufficiency of the petition, confidential material designation, notice, and a schedule for continued processing.

Commission Staff recommends the petition be found deficient and incomplete because SWWC failed to include the “information on file” that the Bulverde City Council considered in making their decision in the underlying case. Commission Staff also recommends that SWWC be provided an opportunity to restyle the petition as a formal complaint under 16 Texas Administrative Code (TAC) § 22.242. Upon consideration of the Commission Staff recommendations, the petition is found to be administratively incomplete and deficient for further review in accordance with 16 TAC § 24.8(b).

Order No. 1 issued March 7, 2019, questioned whether documents were properly classified as confidential. On March 12, 2019, SWWC resubmitted the documentation as non-confidential with potentially sensitive customer information redacted. Commission Staff recommended that this resubmission sufficiently addressed the concern initially raised by Order No. 1. The administrative law judge agrees and finds SWWC’s action in resubmitting the documentation on March 12, 2019 cures the issues raised in Order No. 1 with regard to confidentiality.

On or before May 1, 2019, SWWC must: (1) supplement the petition to cure the deficiencies described in Commission Staff’s March 19, 2019 response by providing the information omitted from the original petition and requested by Commission Staff; and (2) respond to Commission Staff’s assertion that this matter should be handled as a complaint proceeding under 16 TAC § 22.242.

On or before May 15, 2019, Commission Staff must file a supplemental recommendation regarding the administrative completeness of the application, along with a proposed procedural schedule, if appropriate.

Signed at Austin, Texas the 5<sup>th</sup> day of April 2019.

**PUBLIC UTILITY COMMISSION OF TEXAS**



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**CHRISTOPHER OAKLEY**  
**ADMINISTRATIVE LAW JUDGE**

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