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SOAH DOCKET NO. 473-20-4539.WS

PUC DOCKET NO. 49786

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APPLICATION OF CEDRON CREEK
RANCH WATER SUPPLY FOR
AUTHORITY TO CHANGE RATES

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STATE OFFICE OF ADMINISTRATIVE
HEARINGS

**JOINT REQUEST FOR INTERIM RATES AND MOTION TO ADMIT EVIDENCE
AND REMAND THE PROCEEDING TO THE COMMISSION**

COMES NOW the Staff of the Public Utility Commission of Texas (Staff) and Cedron Creek Ranch Water Supply (Cedron Creek) (collectively, the Parties) and jointly files this Request for Interim Rates and Motion to Admit Evidence and Remand the Proceeding to the Commission. In support thereof, the Parties would show the following:

I. BACKGROUND

On July 24, 2019, Cedron Creek filed an application for authority to change rates under water Certificate of Convenience and Necessity (CCN) number 11659 in Bosque County, Texas. The application was filed under Texas Water Code (TWC) § 13.1872(c)(2) using the procedures set out in TWC § 13.1871.

On August 14, 2020, this docket was referred to the State Office of Administrative Hearings (SOAH), and the SOAH Administrative Law Judge (ALJ) convened a prehearing conference on September 22, 2020. In SOAH Order No 2, issued on September 23, 2020, the docket was referred to mediation at the request of the parties. A mediation occurred on November 9, 2020. Therefore, this pleading is timely filed.

II. REQUEST FOR INTERIM RATES

The Stipulation and Settlement Agreement (Agreement) filed contemporaneously with this pleading calls for the agreed rates to be charged beginning with usage on and after January 1, 2021, if the Commission has not issued a final order setting Cedron Creek's rates by that date. To ensure that this objective is achieved, the Signatories request that the rates shown in the tariffs included in Exhibit B to the Agreement be approved on an interim basis pursuant to 16 Texas Administrative Code (TAC) § 24.37 (subject to refund and surcharge) for usage on and after January 1, 2021.

III. MOTION TO ADMIT EVIDENCE

The Parties request the entry of the following items into the record of this proceeding as evidence for the purpose of supporting the Commission's final order approving the proposed Agreement:

- a. Application of Cedron Creek Ranch Water Supply for Authority to Change Rates filed on July 24, 2019 (Interchange Item No. 1);
- b. Cedron Creek's Response to Order No. 1 filed on August 15, 2019 (Interchange Item No. 3);
- c. Cedron Creek's Corrected Schedules filed on September 20, 2019 (Interchange Item No. 6);
- d. Cedron Creek's Notice of Proposed Rate Change filed on December 9, 2019 (Interchange Item No. 15);
- e. Cedron Creek's Affidavit and Notice filed on January 13, 2020 (Interchange Item No. 21);
- f. Cedron Creek's Notice of Proposed Rate Changes to be Provided to Customers filed on February 18, 2020 (Interchange No. 24);
- g. Staff's Fourth Supplemental Recommendation on Administrative Completeness filed on April 3, 2020 (Interchange Item No. 26);
- h. Staff's Recommendation on the Sufficiency of Notice filed on April 13, 2020 (Interchange Item No. 28);
- i. Cedron Creek's Reply to Staff's First Request for Information filed on June 15, 2020 (Interchange Item No. 31);
- j. Cedron Creek's Reply to Staff's Second Request for Information filed on November 23, 2020 (Interchange Item No. 48);
- k. Stipulation and Settlement Agreement, including Exhibits A through C, filed on February 22, 2021; and
- l. Testimony of Roshan Pokhrel in Support of Stipulation and Settlement Agreement filed on February 22, 2021.

IV. MOTION TO REMAND

As evidenced by the Agreement, the Parties have fully resolved all of the contested issues in this proceeding; therefore, a hearing is no longer necessary, and remand is appropriate. Accordingly, the Parties request the entry of an order dismissing this case from the SOAH docket and remanding it to the Commission for consideration of the Agreement along with the Proposed Order and attachments thereto.

V. CONCLUSION

The Parties respectfully request the entry of an order admitting the items listed above into the record of this proceeding as evidence and remanding this docket to the Commission for consideration of the Agreement.

Dated: February 22, 2021

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF
TEXAS LEGAL DIVISION**

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CERTIFICATE OF SERVICE

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on February 22, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Robert Dakota Parish
Robert Dakota Parish