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APPLICATION OF DOUBLE §
DIAMOND UTILITIES COMPANY, §
INC., DOUBLE DIAMOND §
PROPERTIES CONSTRUCTION §
COMPANY, AND MIDWAY WATER §
UTILITIES, INC., FOR SALE, §
TRANSFER, OR MERGER OF §
FACILITIES AND CERTIFICATE §
RIGHTS IN HILL, PALO PINTO, §
JOHNSON, AND GRAYSON §
COUNTIES §

PUBLIC UTILITY COMMISSION

OF TEXAS

PUBLIC UTILITY COMMISSION
FILING CLERK

WHITE BLUFF RATEPAYERS GROUP MOTION TO INTERVENE

TO THE HONORABLE COMMISSION ALJ:

COMES NOW White Bluff Ratepayers Group (“WBRG”) and files this Motion to Intervene and would respectfully show as follows:

I. INTRODUCTION

WBRG seeks to intervene, comment, and fully participate in this proceeding pursuant to the Texas Water Code and Sections 22.101 through 22.104 of the Commission’s Procedural Rules. As set forth below, WBRG has a justiciable interest that may be adversely affected by the outcome of this proceeding.

II. AUTHORIZED REPRESENTATIVE

The name and address of the movant is:

White Bluff Ratepayers Group
c/o John Bass
P.O. Box 37
Whitney, Texas 76692

WBRG’s authorized representative for service of all pleadings and other documents in this docket and legal representative is:

Joe Freeland
Mathews & Freeland, LLP
8140 N. Mopac Expy
Suite 4-200
Austin, Texas 78759
Telephone: (512) 404-7800

Facsimile: (512) 703-2785
Email: jfreeland@mandf.com

All pleadings, motions and other documents in this proceeding should be served on WBRG's authorized representative.

III. TIMELINESS OF INTERVENTION

The deadline set for interventions in Order No. 6 in this docket is February 10, 2020. This motion is, therefore, timely filed.

IV. JUSTICIABLE INTEREST

WBRG is an association composed of property owners in the White Bluff development in Hill County. The White Bluff development, and WBRG members, obtain retail water and sewer utility services from Double Diamond Utilities Company, Inc. ("Double Diamond"). Members of WBRG are directly and substantially affected by the issues raised and relief requested in this docket. These members' interests could be adversely affected if the Commission authorizes the sale of the Double Diamond system from Double Diamond to Midway Water Utilities, Inc. WBRG has a clear justiciable interest that may be adversely affected by the outcome of this proceeding.

V. SCOPE OF PARTICIPATION

On December 12, 2019, the Commission entered its Order on Remand in Commission Docket No. 46245. That order set significantly lower water and sewer rates for Double Diamond's customers in the White Bluff development. On December 20, 2019, a revised tariff with the new rates was stamped as approved and placed in the Commission's tariff book. Nevertheless, Double Diamond continues to charge the old, now unlawful, rates to its customers in White Bluff. Representatives of Double Diamond have represented that the new rates will not be charged until after the sale being reviewed in this docket is completed.

Additionally, the order in Docket No. 46245 requires Double Diamond to refund all rates collected since February 21, 2018 that exceed the rates allowed under the order. The Commission ordered implementation of these refunds to occur in Docket No. 48916. To date, Double Diamond has not made a substantive filing in Docket No. 48916 and has not refunded any of the overcollections. Double Diamond also has made no indication that it will implement the refunds prior to the completion of the sale being reviewed in this docket.

Double Diamond's recalcitrance in complying with prior Commission orders creates uncertainty as to how WBRG's members' interests will be protected with regard to Midway's purchase of the Double Diamond system. WBRG seeks to intervene in this proceeding to ensure that its interests are protected and that the Commission's orders in Dockets Nos. 46245 and 48916 are not adversely affected by any order in this docket.

VI. PRAYER

WHEREFORE, PREMISES CONSIDERED, WBRG respectfully requests that this motion to intervene be granted, that WBRG be allowed to fully participate as a party in this proceeding.

Dated: February 10, 2020

Respectfully submitted,

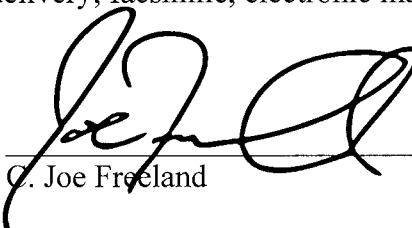


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ATTORNEYS FOR WHITE BLUFF
RATEPAYER GROUP

CERTIFICATE OF SERVICE

I certify that a copy of this Motion to Intervene was served on all parties of record in this proceeding on February 10, 2020, by hand-delivery, facsimile, electronic mail, and/or First Class Mail.



C. Joe Freeland