



Control Number: 50311



Item Number: 38

Addendum StartPage: 0



DOCKET NO. 50311

**APPLICATION OF COPANO
HEIGHTS WATER COMPANY AND
CSWRTEXAS UTILITY OPERATING
COMPANY, LLC FOR SALE,
TRANSFER, OR MERGER OF
FACILITIES AND CERTIFICATE
RIGHTS IN ARANSAS COUNTY**

**PUBLIC UTILITY COMMISSION
OF TEXAS**

COMMISSION STAFF’S REQUEST FOR HEARING

COMES NOW the Commission Staff of the Public Utility Commission of Texas (Staff), representing the public interest and, in response to Order No. 5 files this Request for Hearing. In support thereof, Staff shows the following:

I. BACKGROUND

On December 4, 2019, Copano Heights and CSWR-Texas filed an application for approval of the sale, transfer, or merger of facilities and CCN rights in Aransas County. Copano Heights seeks to transfer its water service area held under CCN number 11960 to CSWR-Texas and issue a new CCN to CSWR-Texas. The requested sale and transfer includes approximately 61 acres and 110 connections.

On May 21, 2020, the Commission Administrative Law Judge (ALJ) issued Order No. 5, which required Staff to request a hearing or file a recommendation on the approval of the sale by May 28, 2020. This pleading is therefore timely filed.

I. REQUEST FOR HEARING

Staff respectfully requests a hearing on this matter. While the discovery process is ongoing, Staff is mindful of the 120-day deadline¹ for either approving the transaction or requesting a hearing, which falls on June 6, 2020.² Staff believes that it is not possible for Staff to request and review additional materials regarding the financial, managerial, and technical capability of CSWR-Texas, make a recommendation based on its review, and jointly file proposed findings of fact and conclusions of law while still leaving sufficient time to allow the ALJ to rule on Staff’s

¹ Tex. Water Code § 13.301(f); Tex. Admin. Code (TAC) §24.239(j).

² Order No. 4 Establishing Procedural Schedule (March 16, 2020).

recommendation within the statutorily mandated window. Therefore, at this time, Staff is requesting a hearing but also asks that referral to the State Office of Administrative Hearings (SOAH) be delayed to allow additional time for discovery. Staff and CSWR can jointly file a status report at anytime the ALJ finds appropriate.

II. CONCLUSION

For the reasons discussed above, Staff respectfully requests a hearing, with delayed referral to SOAH, and that Staff and CSWR-Texas be required to jointly file a status report.

Dated: May 26, 2020

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Rachelle Nicolette Robles
Division Director

Heath D. Armstrong
Managing Attorney

/s/ Rustin Tawater
Rustin Tawater
State Bar No. 24110430
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7230
(512) 936-7268 (facsimile)
rustin.tawater@puc.texas.gov

**DOCKET NO. 50311
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 May 26, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Rustin Tawater
Rustin Tawater