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APPLICATION OF POLONIA WATER
SUPPLY CORPORATION AND
THE CITY OF LOCKHART FOR
APPROVAL OF A SERVICE AREA
CONTRACT UNDER TEXAS WATER
CODE § 13.248 AND TO AMEND
CERTIFICATES OF
CONVENIENCE AND NECESSITY IN
CALDWELL COUNTY

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PUBLIC UTILITY COMMISSION

PUBLIC UTILITY COMMISSION
FILING CLERK**ORDER NO. 1****REQUIRING COMMENTS ON ADMINISTRATIVE COMPLETENESS AND
PROPOSED NOTICE, AND ADDRESSING OTHER PROCEDURAL MATTERS**

This Order addresses the February 24, 2020 application of Polonia Water Supply Corporation and the City of Lockhart.

I. Application and Clarification

The application filed by the applicants uses the form for for sale, transfer, or merger of a retail public utility under Texas Water Code (TWC) § 13.301 and 16 Texas Administrative Code (TAC) § 24.109. However, in the agreement and bill of sale attached to the application (Part A: Question 1) between the City and Polonia WSC, the recitals indicate that the applicants desire approval of a contract under TWC § 13.248. By March 13, 2020, applicants must file a clarification regarding whether they intend for the application to proceed under TWC § 13.248 or § 13.301.

**II. Requiring Comments on the Administrative Completeness of the Application and
Proposed Notice**

By March 25, 2020, Commission Staff must file comments on the administrative completeness of the application and proposed notice, and make a recommendation as to whether this matter should be handled under TWC § 13.248 or § 13.301. By the same date, Commission Staff must file a recommendation regarding how to proceed with the application and propose a procedural schedule, if appropriate.

III. Discovery

Discovery may proceed; however, objections to requests for information (RFIs) must be filed and served within 10 days of receiving the RFI. Objections must include a statement that

negotiations were conducted diligently and in good faith. If the parties are unable to resolve a discovery dispute, a motion to compel a response to an RFI must be filed and served within five working days of receipt of an objection. The motion to compel must specify the grounds for the motion.

IV. Filings

Unless otherwise specified, an original and ten copies of documents relating to this proceeding must be filed with the Commission's filing clerk in accordance with 16 TAC § 22.71. A copy of each document filed with the Commission must also be served on all parties as required by 16 TAC § 22.74. Filings can be accessed on the PUC Interchange webpage at, <https://interchange.puc.texas.gov>.

All parties are required to provide their current addresses and telephone and fax numbers, if available, to all other parties and the Commission by filing and serving all parties with such information. Each party must provide the Commission and all parties with updated addresses, telephone, and fax information, if such information changes. The telephone and fax numbers will be placed on the service list for this proceeding. Parties are responsible for updating their own service lists to reflect changed information and the addition of any other parties.

V. Ex Parte Communications

Ex parte communications with the administrative law judge (ALJ) are prohibited under 16 TAC § 22.3(b)(2). Parties must communicate with the ALJ only through written documents filed with the Commission's filing clerk and served on all parties. Questions concerning this Order, or any other order, must be submitted in writing, filed with the Commission, and served on all parties of record.

Signed at Austin, Texas the 5 day of March 2020.

PUBLIC UTILITY COMMISSION OF TEXAS



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ADMINISTRATIVE LAW JUDGE