



Control Number: 50605



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# OPEN MEETING COVER SHEET

## COMMISSIONER MEMORANDUM

**MEETING DATE:** March 12, 2020

**DATE DELIVERED:** March 11, 2020

**AGENDA ITEM NO.:** 4

**CAPTION:** Docket No. 50605 – Commission Staff's  
Petition for an Order Appointing a  
Temporary Manager to Blue Cereus, LLC

**DESCRIPTION:** Commissioner Botkin Memorandum

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**Arthur C. D'Andrea**  
Commissioner

**Shelly Botkin**  
Commissioner

**John Paul Urban**  
Executive Director



**Greg Abbott**  
Governor

## *Public Utility Commission of Texas*

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TO: Chairman DeAnn T. Walker  
Commissioner Arthur C. D'Andrea  
Commissioner Shelly Botkin

All Parties of Record (*via electronic transmission*)

FROM: Lorenzo Z Garcia  
Commission Advising

A handwritten signature in black ink, appearing to be "LZ Garcia", written over the printed name.

RE: *Petition for an Order Appointing a Temporary Manager to Blue Cereus, LLC,*  
Docket No. 50605, Commissioner Memo, March 12, 2020 Open Meeting, Item  
No. 4.

DATE: March 11, 2020

Please find enclosed a memorandum by Commissioner Botkin regarding the above-referenced docket. No other commissioner will file a memorandum in this docket.

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# *Public Utility Commission of Texas*

## **Commissioner Memorandum**

**TO:** Chairman DeAnn T. Walker  
Commissioner Arthur C. D'Andrea

**FROM:** Commissioner Shelly Botkin *SJB*

**DATE:** March 11, 2020

**RE:** March 12, 2020 Open Meeting – Item No. 4  
Docket No. 50605 – *Petition for an Order Appointing a Temporary Manager to Blue Cereus, LLC*

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I recommend that the Commission make the following changes to the Order in this proceeding.

First, I recommend that the Commission modify the Order's introductory paragraph for clarity and for consistency with previous decisions of the Commission.

~~This Order approves the agreement and report to Commission between Commission Staff and Blue Cereus, LLC relating to Commission Staff's petition for an order appointing a temporary manager to Blue Cereus. The agreement also serves as a report to the Commission under 16 Texas Administrative Code (TAC) § 22.246(h). The Commission approves the agreement and appoints Lynn Sherman as the temporary manager. This Order addresses Commission Staff's petition to appoint Mr. Sherman as temporary manager for Blue Cereus, LLC. The Commission approves the petition to the extent provided in this Order.~~

Second, a new finding of fact 46 should be added because it is necessary to support conclusion of law 9.

46. In order to timely address the petition by Commission Staff to appoint a temporary manager for Blue Cereus, the Commission finds good cause exists to waive the 20-day requirement in 16 TAC § 22.35(b)(2) and to consider this matter at the next regularly scheduled open meeting of March 12, 2020.

Third, conclusion of law 9 should be modified to address the 20-day requirement of 16 TAC § 22.35(b)(2).

9. The requirements for informal disposition in 16 TAC § 22.35 have been meet in this proceeding except for 16 TAC § 22.35(b)(2), which requires that the proposed order be served on all parties no less than 20 days before the Commission is scheduled to consider the application in an open meeting. Under 16 TAC § 22.5(b), good cause exists to waive this requirement.

Fourth, ordering paragraph 1 should be modified for clarity and consistency with previous decisions of the Commission.

1. The Commission approves the petition to the extent provided in this Order.

Fifth, I recommend that the Commission modify ordering paragraph 3 for clarity.

3. The Commission appoints Mr. Lynn Sherman as temporary manager of Blue Cereus. Mr. Sherman's appointment as temporary manager will begin on the date this Order is signed and will continue until the Commission orders otherwise to begin on March 12, 2020.

Finally, I propose delegating to the Office of Policy and Docket Management staff the authority to modify the order to conform to the *Citation and Style Guide for the Public Utility Commission of Texas* and to make other non-substantive changes to the order for such matters as capitalization, spelling, grammar, punctuation, style, correction of numbering, and readability.

I look forward to discussing this matter with you at the open meeting.