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DOCKET NO. 50745



**APPLICATION OF LAKESIDE
MUNICIPAL UTILITY DISTRICT NO. 3
TO DECERTIFY AREA FROM
MANVILLE WATER SUPPLY
CORPORATION'S CERTIFICATE OF
CONVENIENCE AND NECESSITY IN
TRAVIS AND WILLIAMSON
COUNTIES**

**PUBLIC UTILITY COMMISSION
OF TEXAS**

**ORDER NO. 1
REQUIRING COMMENTS ON ADMINISTRATIVE COMPLETENESS AND
PROPOSED NOTICE, AND ADDRESSING OTHER PROCEDURAL AND
SUBSTANTIVE MATTERS**

I. Application

This Order addresses the application of Lakeside Municipal District No. 3 filed on April 8, 2020, to decertify an area of Manville Water Supply Corporation's water certificate of convenience and necessity (CCN) number 11114 in Travis and Williamson counties. Lakeside MUD 3 alleges that the area requested for decertification is encompassed by the boundaries of all phases of The Commons at Rowe Lane subdivision, which consists of 942 single family residential lots and one amenity center. Lakeside MUD 3 asserts that Manville WSC had agreed, or will agree, to release the area in question from its certificated service area to enable Lakeside MUD 3 to provide water service to the area.

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

The legal authority Lakeside MUD 3's application is based upon is unclear. By May 8, 2020, Commission Staff must file comments on: (1) the legal bases, or lack thereof, for the application; and (2) the administrative completeness of the application and proposed notice. By May 15, 2020, Lakeside MUD 3 and Commission Staff must file a recommendation regarding how to proceed with the application and propose a procedural schedule.

III. Discovery

Discovery may proceed informally; however, objections to requests for information (RFIs) must be electronically filed and served within 10 days of receiving the RFI.¹ 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 electronically 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

Service of pleadings is typically governed by 16 TAC § 22.74. However, the Commission has issued an Order Suspending Rules,² which has suspended the service requirements found in 16 TAC § 22.74. As long as the Order Suspending Rules remains in effect, all parties must file any pleading or document with the Commission solely through the Interchange on the Commission's website and provide notice, by email, to all other parties that the pleading or document has been filed with the Commission, unless otherwise ordered by the presiding officer. It will be incumbent upon all other parties to obtain a copy of the pleading or document by accessing the Interchange.

All parties must provide their current address, **e-mail address**, 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 address, **e-mail address**, telephone, and fax information if such information changes. The **e-mail addresses**, telephone and fax numbers will be placed on the service list for the convenience of the parties. 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

¹ See, *Issues Related the State of Disaster for Coronavirus Disease 2019*, Docket No. 50664, Order (Mar. 16, 2020).

² *Issues Related to the State of Disaster for the Coronavirus Disease*, Docket No. 50664, Order Suspending Rules (March 16, 2020).

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 13th day of April 2020.

PUBLIC UTILITY COMMISSION OF TEXAS



HUNTER BURKHALTER
CHIEF ADMINISTRATIVE LAW JUDGE