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DOCKET NO. 51026



APPLICATION OF TALL PINES
UTILITY, INC. AND CSWR-TEXAS
UTILITY OPERATING COMPANY,
LLC FOR SALE, TRANSFER, OR
MERGER OF FACILITIES AND
CERTIFICATE RIGHTS IN HARRIS
COUNTY

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PUBLIC UTILITY COMMISSION
OF TEXAS

COMMISSION STAFF'S REQUEST FOR ABATEMENT

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and in response to Order No. 1, files this Request for Abatement. In support thereof, Staff shows the following:

I. BACKGROUND

On July 7, 2020, Tall Pines Utility, Inc. and CSWR-Texas Utility Operating Company, LLC, (collectively, Applicants) filed an application for approval of the sale, transfer, or merger of facilities and certificate rights in Harris County. Supplemental application materials were filed on July 14, 2020.

On July 16, 2020, Order No. 1 was issued, setting a deadline of August 6, 2020 for Staff to file comments on the administrative completeness of the application and propose a procedural schedule. Therefore, this pleading is timely filed.

II. REQUEST FOR ABATEMENT

Staff requests the abatement of this proceeding pending the issuance of an Order Approving the Transaction to Proceed in one of three cases—Docket Nos. 50251,¹ 50276,² or 50311.³ In all three of these dockets, CSWR is proposing to acquire existing facilities and

¹ Application of JRM Water LLC and CSWR-Texas Utility Operating Company, LLC for Sale, Transfer, or Merger of Facilities and Certificate Rights in Victoria County, Docket No. 50251 (pending).

² Application of North Victoria Utilities, Inc and CSWR-Texas Utility Operating Company, LLC for Sale, Transfer, or Merger of Facilities and Certificate Rights in Victoria County, Docket No. 50276 (pending).

³ Application of Copano Heights Water Company and CSWR-Texas Utility Operating Company, LLC for Sale, Transfer, or Merger of Facilities and Certificate Rights in Aransas County, Docket No. 50311 (pending).

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service area under new water Certificate of Convenience and Necessity (CCN) No. 13290.⁴ The instant docket is one of seven additional STM applications filed by CSWR between June 26, 2020 and July 16, 2020.⁵

CSWR does not currently hold a water or sewer CCN issued by the Commission or a predecessor agency. Accordingly, Staff requests the abatement of this proceeding until CSWR receives approval to consummate at least one of the transactions that will ultimately lead to CSWR obtaining a water CCN in Texas. Specifically, Staff requests that the deadline for its recommendation on sufficiency of the application be due 14 days after the date the first Order Approving the Transaction to Proceed is issued in Docket No. 50251, 50276, or 50311.

III. CONCLUSION

For the reasons discussed above, Staff respectfully requests that an order be issued consistent with the above recommendation.

⁴ Docket No. 50311, Staff's Amended Recommendation on the Transaction at 6 (Jul. 15, 2020); Docket No. 50276, Staff's Recommendation on the Transaction at 6 (Jul. 8, 2020); Docket No. 50251, Staff's Amended Recommendation on the Transaction at 7 (Jul. 10, 2020).

⁵ *Application of Ranch Country of Texas Water Systems, Inc and CSWR-Texas Utility Operating Company, LLC for Sale, Transfer, or Merger of Facilities and Certificate Rights in Austin County*, Docket No. 50989 (pending); *Application of Oak Hill Ranch Estates Water and CSWR-Texas Utility Operating Company, LLC for Sale, Transfer, or Merger of Facilities and Certificate Rights in Guadalupe and Wilson Counties*, Docket No. 51003 (pending); *Application of Council Creek Village, Inc dba Council Creek Village dba South Council Creek 2 and CSWR-Texas Utility Operating Company, LLC for Sale, Transfer, or Merger of Facilities and Certificate Rights in Burnet County*, Docket No. 51031 (pending); *Application of Kathie Lou Damels dba Woodlands West and CSWR-Texas Utility Operating Company, LLC for Sale, Transfer, or Merger of Facilities and Certificate Rights in Victoria County*, Docket No. 51036 (pending); *Application of Jones-Owen Company dba South Silver Creek I, II, and III and CSWR-Texas Utility Operating Company, LLC for Sale, Transfer, or Merger of Facilities and Certificate Rights in Travis County*, Docket No. 51047 (pending); *Application of Treetop Utilities, Inc and CSWR-Texas Utility Operating Company, LLC for Sale, Transfer, or Merger of Facilities and Certificate Rights in Parker County*, Docket No. 51065 (pending).

Date: July 28, 2020

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Rachelle Nicolette Robles
Division Director

Heath D. Armstrong
Managing Attorney

/s/ Megan Chalifoux
Megan Chalifoux
State Bar No. 24073674
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7377
(512) 936-7268 (facsimile)
megan.chalifoux@puc.texas.gov

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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 July 28, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Megan Chalifoux
Megan Chalifoux