



Control Number: 51065



Item Number: 13

Addendum StartPage: 0



DOCKET NO. 51065

**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**

**§ PUBLIC UTILITY COMMISSION
§
§ OF TEXAS
§
§
§**

COMMISSION STAFF’S REQUEST FOR RECONSIDERATION OF ORDER NO. 2

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and in response to Order No. 2, files this Request for Reconsideration of Order No. 2. Staff respectfully requests that the Administrative Law Judge (ALJ) reconsider the length of the abatement granted in Order No. 2. To date, CSWR-Texas Utility Operating Company, LLC (CSWR) has filed fifteen sale-transfer-or-merger (STM) applications with the Commission as shown in the table below. To ensure that Staff can thoroughly review each docket and accurately prepare the corresponding certificate of convenience and necessity (CCN) map, Staff has created a comprehensive plan to review these dockets in groupings of three or four as follows:

Group	Dockets
1	50251, 50276, 50311
2	50989, 51003, 51026, 51031
3	51036, 51047, 51065
4	51089, 51118, 51126, 51130
5	51146

As shown above, the instant docket is part of what Staff would like to be the third grouping. The ALJ’s ruling in Order No. 2 results in an August 17, 2020 deadline for Staff’s comments on the administrative completeness of the application. This is the same deadline for Staff’s comments for the dockets in the second grouping with one exception.¹ Staff is prepared to file its

¹ On July 28, 2020, Staff filed a motion to abate in Docket No. 51031 but did not receive a ruling. On August 10, 2020, Staff filed a recommendation that the application be deemed insufficient.

recommendation that the application be deemed administratively complete on or before August 17, 2020.

To ensure that Staff has enough time to review the merits of the application, Staff renews its request for a longer abatement in this proceeding. Specifically, Staff is requesting that its recommendation on administrative completeness of the application be due 14 days after the last order finding the application administratively complete is issued in Docket Nos. 50989, 51003, 51026, or 51031. For example, if Docket No. 51026 is the last docket to be found administratively complete, then Staff's recommendation on administrative completeness in this docket would be due 14 days after the date the order is issued in Docket No. 51026.

Staff asserts that processing these applications in a manner that abates the dockets in groupings is the best way to keep these dockets on track for administrative approval. Otherwise, one or more dockets could require referral to the State Office of Administrative Hearings due to the 120-day timeline under 16 Texas Administrative Code (TAC) § 24.239(a) and (j). Staff believes that its proposed plan balances the need to timely process each application, with the need for a complete review of CSWR's financial, managerial, and technical capability. Such a review is warranted because CSWR is a new entrant into the Texas water industry and is proposing to acquire many utilities in a relatively short time frame.² Staff respectfully requests that the deadline for its recommendation on administrative completeness of the application be due 14 days after the last order finding the application administratively complete is issued in Docket Nos. 50989, 51003, 51026, or 51031.

² It is Staff's understanding that CSWR has plans to acquire approximately 30 utilities

Dated: August 13, 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

DOCKET NO. 51065

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 August 13, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Megan Chalifoux

Megan Chalifoux