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PUC DOCKET NO. 51398

APPLICATION OF EAST CRAWFORD	§	PUBLIC UTILITY COMMISSION
WATER CORPORATION AND NORTH	§	
BOSQUE WATER SUPPLY	§	OF TEXAS
CORPORATION FOR SALE,	§	
TRANSFER, AND MERGER OF	§	
A PORTION OF WATER FACILITIES	§	
AND CERTIFICATE RIGHTS IN	§	
MCLENNAN COUNTY		

**WITHDRAWAL OF APPLICATION AND JOINT MOTION TO DISMISS
THE PROCEEDING**

COME NOW East Crawford Water Supply Corporation (East Crawford), and North Bosque Water Supply Corporation (North Bosque) (collectively, Applicants) and file this Withdrawal of Application and Joint Motion to Dismiss the Proceeding (Motion) in this docket. The Applicants have conferred with the Public Utility Commission Staff (Staff), and Staff is not opposed to this Motion. Further, the Applicants show as follows:

I. BACKGROUND

On October 7, 2020, the Applicants filed two separate applications for the sale, transfer, or merger of facilities and certificate rights in McLennan County, Texas within this docket: (1) an application for North Bosque to transfer a portion of its water facilities and certificate of convenience and necessity (CCN) service area under number 10023 to East Crawford; and (2) an application for East Crawford to transfer a portion of its water facilities and CCN service area under number 11396, facilities, and customers to North Bosque (collectively, the Application). The Applicants filed the Application to implement that certain Letter Agreement dated October 31, 2019 (Letter Agreement) between East Crawford, North Bosque, and Jonathan Beau Crook (Complainant), a copy of which was attached to this Application at filing. The Letter Agreement is intended to collaboratively resolve PUC Docket No. 48686 (Jonathan Crook's Appeal of the Cost of Obtaining Service from East Crawford Water Supply Corporation) and PUC Docket No. 49517 (Complaint of Jonathan B. Crook against North Bosque Water Supply Corporation). Most recently, the Administrative Law Judge (ALJ) issued Order No. 20 Abating Proceeding and requiring a status report beginning October 14, 2022, and every 90 days thereafter. In response to the deadlines set out in Order No. 20, this pleading is timely filed.

II. WITHDRAWAL OF APPLICATION AND MOTION TO DISMISS

Due to several circumstances over the course of this docket, including the Covid-19 Pandemic, winter storm Yuri, and the negotiations for dual certification agreement with the City of Waco, the transfer of facilities, certificate rights, and customers between East Crawford and North Bosque is no longer the most efficient way to achieve service to Complainant. The Applicants and Complainant have reached resolution and entered into an amended Letter Agreement dated effective October 11, 2022, whereby North Bosque agrees to serve Complainant and East Crawford and North Bosque agree not to sell, transfer or merge any facilities or certificate rights. Pursuant to the amended Letter Agreement, the Complainant has withdrawn all his complaints, appeals, and applications in PUC Docket Nos. 49517 and 48676, and East Crawford and North Bosque are no longer transferring, selling or merging any facilities or certificated service areas. Further, East Crawford intends to file a new, separate application with the Public Utility Commission under a new docket to amend their certificated service area for its water CCN to serve the remaining need in the area. East Crawford (CCN No. 11396) and the City of Waco (CCN No. 10039) are finalizing terms to a dual certification agreement prior to East Crawford's filing of such an application, and the dual certification agreement is on the Waco City Council's agenda for the October 18, 2022 council meeting.

Accordingly, Applicants hereby withdraw the Application without prejudice to refile of same. Under 16 Texas Administrative Code (TAC) § 22.181(g)(1), the party that initiated the proceeding may withdraw its application at any time before that party has presented its direct case. Withdrawal of an application consistent with 16 TAC § 22.181(g) is a proper basis for dismissal pursuant to 16 TAC § 22.181(d)(10). Accordingly, East Crawford and North Bosque, by agreement, respectfully request that this proceeding be dismissed without prejudice from the docket of the Public Utility Commission of Texas.

III. CONCLUSION

Wherefore, the Applicants hereby withdraw the Application in this proceeding without prejudice to refile of same and, by agreement, respectfully request that this Motion be granted, and that the proceeding be dismissed without prejudice from the docket of the Public Utility Commission of Texas.

Dated: October 14th, 2022

[Signatures Appear on Following Page]

Respectfully submitted and agreed,

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CERTIFICATE OF SERVICE

We certify that a copy of this document will be served on all parties of record on this the 14th day of October, 2022 in accordance with 16 TAC § 22.74.

Mary Margaret Croft
Mary Margaret Croft

/s/ James H. Routh
James H. "Bo" Routh