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DOCKET NO. 51477

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PETITION OF AQUA TEXAS, INC.	§	PUBLIC UTILITY COMMISSION
AND THE CITY OF AUSTIN FOR	§	
APPROVAL OF SERVICE AREA	§	OF TEXAS
CONTRACT UNDER TEXAS WATER	§	
CODE § 13.248 AND TO AMEND	§	
CERTIFICATES OF CONVENIENCE	§	
AND NECESSITY IN TRAVIS	§	
COUNTY	§	

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

**I. Petition**

This Order addresses the November 2, 2020, petition of Aqua Texas, Inc. and the City of Austin for approval of a service area contract under Texas Water Code § 13.248 and to amend water certificates of convenience and necessity (CCN) in Travis County. Specifically, the applicants seek to transfer 15.61 acres of water service area from Aqua Texas, Inc.'s CCN number 13254 to the City of Austin's CCN number 11332.

**II. Requiring Comments on the Administrative Completeness of the Petition and Sufficiency of Notice**

By December 2, 2020, Commission Staff must file comments on the administrative completeness of the petition and sufficiency of notice. By December 2, 2020, the applicants and Commission Staff must file a recommendation regarding how to proceed with the petition and propose a procedural schedule, if appropriate.

**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. 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. Service

Service of pleadings is typically governed by 16 TAC § 22.74. However, the Commission has issued an Order Suspending Rules,<sup>1</sup> which has suspended certain service requirements found in 16 TAC § 22.74. Accordingly, a filing party must provide notice by e-mail of any pleading or document filed. 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. Filings

Filing of pleadings is typically governed by 16 TAC § 22.71. However, the Commission has issued an Order Suspending Rules,<sup>2</sup> which has suspended certain filing requirements found in 16 TAC § 22.71. 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 (<https://interchange.puc.texas.gov/filer>) and provide notice, by e-mail, 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.

Unless otherwise specified, responses or replies to any motion or other pleading must be filed within five working days after the date on which the motion or other pleading was received by the responding party. Failure to file a timely response will be considered acquiescence to the relief requested.

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<sup>1</sup> *Issues Related to the State of Disaster for the Coronavirus Disease*, Docket No. 50664, Order Suspending Rules (March 16, 2020).

<sup>2</sup> *Id.*

Questions concerning this Order or any other order must be submitted in writing, filed with the Commission, and served on all parties of record.

#### **VI. 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 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 3rd day of November 2020.**

**PUBLIC UTILITY COMMISSION OF TEXAS**

A handwritten signature in black ink, appearing to read 'G. R. Siemankowski', written in a cursive style.

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**GREGORY R. SIEMANKOWSKI  
ADMINISTRATIVE LAW JUDGE**

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**GREGORY R. SIEMANKOWSKI  
ADMINISTRATIVE LAW JUDGE**