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PUC DOCKET NO. 51488

APPLICATION OF MR. CHESTER	§	
MAPLES, JR. D/B/A OLD HIGHWAY	§	BEFORE THE
90 WATER SERVICE TO AMEND A	§	
CERTIFICATE OF CONVENIENCE	§	PUBLIC UTILITY COMMISSION
AND NECESSITY IN MEDINA AND	§	
FRIO COUNTIES	§	OF TEXAS
	§	

**YANCEY WATER SUPPLY CORPORATION'S
LIST OF ISSUES**

Pursuant to the Public Utility Commission's ("Commission's") Order Requesting Lists of Issues issued on September 9, 2021, Yancey Water Supply Corporation ("YWSC"), a Texas retail public utility, non-profit water supply corporation and protestant intervenor in this proceeding, files this List of Issues, and would respectfully show as follows:

I. BACKGROUND

Applicant Mr. Chester Maples, Jr., individually, doing business as Old Highway 90 ("Old Highway 90") originally filed its application (the "Application") to amend its water Certificate of Convenience and Necessity ("CCN") number 12975 in Medina and Frio counties with the Commission on November 5, 2020. The Application seeks to decertify 11 (eleven) acres of Benton City Water Supply Corporation's ("BCWSC's") water CCN number 12587, and to amend Old Highway 90's CCN to add the 11 (eleven) acres plus 589 (five hundred eighty-nine) acres of land that is not certificated.

On June 30, 2021, the Honorable Administrative Law Judge issued Order No. 9, granting YWSC's Motion to Intervene. YWSC requested a hearing on the merits on August 13, 2021, asserting that Old Highway 90 has failed to meet his burden to demonstrate to the Commission that he has met all of the requirements that the Commission rules and Texas Water Code ("TWC") place on applicants seeking to amend an existing CCN. On September 9, 2021, Commission Counsel issued an Order Requesting Lists of Issues from the parties to assist the Commission in drafting a preliminary order. The Order Requesting Lists of Issues established

a deadline of September 15, 2021 for parties to respond with a list of issues. Therefore, this List of Issues is timely filed.

II. LIST OF ISSUES

The Order Requesting Lists of Issues seeks the identification of issues to be addressed in this docket. Sufficient cause exists under the current circumstances for the parties to brief, and for the Commission to develop policy, precedent, or positions on the following threshold legal and policy issues:

1. Has Old Highway 90 satisfied TWC § 13.241(d) and 16 Texas Administrative Code (“TAC”) § 24.227(b), as contemplated by the TWC and Commission rules, policy, and precedent, by demonstrating that regionalization or consolidation with another retail public utility is not economically feasible?
2. Has Old Highway 90 satisfied 16 TAC § 24.227(a)(1), as contemplated by Commission rules, policy, and precedent, by providing the Commission with a copy of an approval letter for the plans and specifications issued by the Texas Commission on Environmental Quality (“TCEQ”) for a new standalone public drinking water system or facilities?
3. Has Old Highway 90 satisfied 16 TAC § 24.227(a)(1), as contemplated by Commission rules, policy, and precedent, by demonstrating that it possesses the financial, managerial, and technical capability to provide continuous and adequate service to the requested area?
4. Has Old Highway 90 satisfied 16 TAC § 24.11, as contemplated by Commission rules, policy, and precedent, by demonstrating that it possesses the financial resources to operate and manage the utility and to provide continuous and adequate service to the current and proposed utility service area?

III. CONCLUSION

YWSC appreciates the opportunity to offer this list of issues for Commission consideration. YWSC stands ready to participate in a hearing on the merits, and respectfully requests that a preliminary order be issued that includes the above-stated issues.

Respectfully submitted,

/s/ C. Cole Ruiz

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ATTORNEYS FOR

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DOCKET NO. 51488
CERTIFICATE OF SERVICE

I certify that notice of the filing of this document was provided to all parties of record via electronic mail and through the Interchange on the Commission's website on September 15, 2021, in accordance with Order No. 9 in this proceeding and the Order Suspending Rules issued in PUC Project No. 50664.

/s/ C. Cole Ruiz

C. Cole Ruiz