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APPLICATION OF JAMES L. NELSON	§	
D/B/A WATERCO AND CSWR-TEXAS	§	PUBLIC UTILITY COMMISSION
UTILITY OPERATING COMPANY, LLC	§	
FOR SALE, TRANSFER, OR MERGER	§	OF TEXAS
OF FACILITIES AND CERTIFICATE	§	
RIGHTS IN MONTAGUE COUNTY	§	

**UNOPPOSED CLARIFICATION REGARDING CCN NUMBERS
AND NOTICE OF APPEARANCE**

CSWR-Texas Utility Operating Company, LLC (“CSWR-Texas”) submits this supplemental filing to clarify an issue regarding the CCN numbers in this case, which has been raised in Docket No. 47411.¹ Staff of the Public Utility Commission of Texas has indicated they agree with this pleading.

I. INTRODUCTION AND BACKGROUND

The Application for Sale, Transfer, or Merger at issue in this proceeding has been approved and CSWR-Texas has closed on the purchase and is currently operating the system. Based on the assertions of the former owners of WaterCo, the Application identified CCN number 10130 as the certificate number associated with this system.

It was recently brought to CSWR-Texas’s attention by Commission Staff that CCN number 10130 was previously associated with another water utility, “Waterco, Inc.” which was acquired in 2008 and the CCN number was cancelled.² Waterco, Inc. is not the same “Waterco” that was a co-applicant and seller-utility in this proceeding, which was known as “James L. Nelson d/b/a Waterco.” Staff has clarified that the Waterco owned by Mr. Nelson that is the subject of this transaction was never certificated and did not have a CCN number.

Although the Application references a different cancelled CCN number, CSWR-Texas has confirmed with Staff that the Application otherwise correctly identifies the facilities and service area previously served by James L. Nelson d/b/a Waterco and that Staff reviewed those facilities and service area in its recommendation regarding the transaction. Further, the Application clearly

¹ *Formal Complaint of Tammy Bean against Waterco, Owners Jim & Gloria Nelson, and the Waterco Board*, Docket No. 47411, Response to Commission Staff’s Supplemental Statement of Position (Interchange No. 124) (Jan. 8, 2023).

² *See Attachment A.*

references that Waterco did not have a CCN number at the time this application was filed and that, instead, James L. Nelson, d/b/a Waterco was operating as an uncertificated utility without a CCN number. Accordingly, the incorrect reference to the cancelled CCN number was only a clerical error and has no practical effect on the transaction itself, Staff's recommendation, or this Commission's approval of the transaction or jurisdiction over the assets and service area now under ownership of CSWR-Texas.

II. THERE IS NO RELIEF REQUIRED

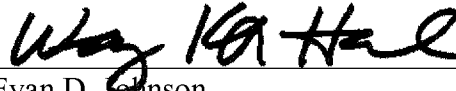
CSWR-Texas is not seeking any relief through this filing, and none is needed. Although there was a clerical error in that there was no CCN number associated with Mr. Nelson's water utility, all property associated with Mr. Nelson's utility was properly transferred to CSWR-Texas, and CSWR-Texas is now operating the system. Additionally, because CCN No. 10130 was canceled prior to the Application filing, there was no active CCN number transferred to CSWR-Texas, and CSWR-Texas is not operating any system that may previously have operated under that CCN number. Therefore, there is no need to take any other action to clarify what system CSWR-Texas purchased from the Nelsons.

III. NOTICE OF APPEARANCE

The undersigned, Wendy Harvel, makes a notice of appearance in this case.

Respectfully submitted,

L. Russell Mitten
General Counsel
CSWR-Texas Utility Operating Company, LLC
1630 Des Peres Rd., Suite 140
St. Louis, MO 63131
(314) 380-8595
(314) 763-4743 (Fax)



Evan D. Johnson
State Bar No. 24065498
Wendy K. L. Harvel
State Bar No. 00796719
C. Glenn Adkins
State Bar No. 24103097
Coffin Renner LLP
1011 W. 31st Street
Austin, Texas 78705
(512) 879-0900
(512) 879-0912 (fax)
evan.johnson@crtxlaw.com
wendy.harvel@crtxlaw.com
glenn.adkins@crtxlaw.com

**ATTORNEYS FOR CSWR-TEXAS UTILITY
OPERATING COMPANY, LLC**

CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of January 2023, notice of the filing of this document was provided to all parties of record via electronic mail except the party listed below, who was served via U.S. Mail, in accordance with the Order Suspending Rules, issued in Project No. 50664.

James L. Nelson
d/b/a WaterCo
206 Oak Street
Nocona, Texas 76255



Wendy K. L. Harvel

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



APPLICATION NO. 35551-S

IN THE MATTER OF THE APPLICATION OF UTILITIES INVESTMENT COMPANY, INC., DBA YAUPON COVE WATER COMPANY, CERTIFICATE OF CONVENIENCE AND NECESSITY NO. 10118, TO PURCHASE FACILITIES, AND TO TRANSFER AND CANCEL CERTIFICATE OF CONVENIENCE AND NECESSITY NO. 10130 FROM WATERCO, INC., AND TO AMEND CCN NO. 10118 IN WALKER AND TRINITY COUNTIES, TEXAS.

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BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

On FEB 13 2008, the Executive Director of the Texas Commission on Environmental Quality pursuant to Chapters 5 and 13 of the Texas Water Code considered the application of Utilities Investment Company, Inc. dba Yaupon Cove Water Company, Certificate of Convenience and Necessity No. 10118, to purchase facilities, and to transfer and cancel CCN No. 10130 from WaterCo, Inc., and to amend CCN No. 10118 in Walker and Trinity Counties, Texas.

No person has requested a public hearing on the application;

Notice of the application was given to all affected and interested parties;

The criteria set forth in *Texas Water Code* Sections 13.246(c), 13.254, and 13.301 has been considered; and

The certificate amendment and cancellation requested in this application are necessary for the service, accommodation, convenience, and safety of the public.

Now, therefore, be it ordered by the Texas Commission on Environmental Quality that the application is granted and that Certificate of Convenience and Necessity No. 10118 be amended and that Certificate of Convenience and Necessity No. 10130 be cancelled in accordance with the terms and conditions set forth herein and in the certificates.

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TCEQ
WATER SUPPLY DIV
FEB 13 2008

IT IS FURTHER ORDERED that Utilities Investment Company, Inc. dba Yaupon Cove Water Company shall serve every customer and applicant for service within the area certified under Certificate of Convenience and Necessity No. 10118 and that such service shall be continuous and adequate.

Texas Commission on Environmental Quality

Issued date: **FEB 13 2008**



For the Commission



Texas Commission On Environmental Quality

By These Presents Be It Known To All That

Utilities Investment Company, Inc., dba Yaupon Cove Water Company

having duly applied for certification to provide water utility service for the convenience and necessity of the public, and it having been determined by this commission that the public convenience and necessity would in fact be advanced by the provision of such service by this Applicant, is entitled to and is hereby granted this

Certificate of Convenience and Necessity No. 10118

to provide continuous and adequate water utility service to that service area or those service areas in Polk, Walker and Trinity Counties as by final Order or Orders duly entered by this Commission, which Order or Orders resulting from Application No. 35551-S are on file at the Commission offices in Austin, Texas; and are matters of official record available for public inspection; and be it known further that these presents do evidence the authority and the duty of Utilities Investment Company, Inc., dba Yaupon Cove Water Company to provide such utility service in accordance with the laws of this State and Rules of this Commission, subject only to any power and responsibility of this Commission to revoke or amend this Certificate in whole or in part upon a subsequent showing that the public convenience and necessity would be better served thereby.

Issued at Austin, Texas, this FEB 13 2008

A handwritten signature in cursive script, likely of a member of the Texas Commission on Environmental Quality.

For the Commission



**CANCELLATION OF
CERTIFICATE OF CONVENIENCE AND NECESSITY**

To Provide Water Service Under V.T.C.A., Water Code
and Texas Commission on Environmental Quality Substantive Rules

Certificate No. 10130

Certificate No. 10130 was canceled by Order of the Commission in Docket No. 35551-S. WaterCo, Inc.'s facilities and lines were transferred to Utilities Investment Company, Inc., dba Yaupon Cove Water Company, CCN No. 10118, in Polk, Walker and Trinity Counties.

Please reference Certificate No. 10118 for the location of maps and other information related to the service area transferred.

Certificate of Convenience and Necessity No. 10130 is hereby CANCELED by order of the Texas Commission on Environmental Quality.

Issued Date: FEB 13 2008

A handwritten signature in cursive script, appearing to read "D. M. ...", written over a horizontal line.

For the Commission