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DOCKET NO. 52002

APPLICATION OF CPR WATER	§	PUBLIC UTILITY COMMISSION
SUPPLY COMPANY, LLC FOR A	§	
WATER CERTIFICATE OF	§	OF TEXAS
CONVENIENCE AND NECESSITY IN	§	
SMITH COUNTY	§	

COMMISSION STAFF’S MOTION TO AMEND THE PROCEDURAL SCHEDULE

On April 9, 2021, CPR Water Supply Company, LLC (CPR Water) filed an application to obtain a water certificate of convenience and necessity (CCN) in Smith County. The requested service area consists of 151 acres and zero current customers. CPR Water filed supplemental information on June 8 and 11, 2021.

On September 22, 2021, the administrative law judge (ALJ) filed Order No. 5, requiring the Staff (Staff) of the Public Utility Commission’s (Commission) to provide final maps, certificates, and tariffs to CPR Water for review and consent by October 8, 2021. Therefore, this pleading is timely filed.

I. MOTION TO AMEND THE PROCEDURAL SCHEDULE

Pursuant to 16 TAC § 22.4(b), Staff may request that the time allowed for filing any documents be extended for good cause. On August 27, 2021 CPR Water filed its response to Staff’s first request for information (RFI) Staff 2-1. In Staff 2-1, Staff requested that CPR Water provide the letter from the Texas Commission on Environmental Quality (TCEQ) approving the construction of the distribution system necessary to provide service to the requested area. CPR Water’s response was as follows:

“According to the utility’s engineer, Sean Conner with J.F. Fontaine & Associates, Inc., the TCEQ has not finalized its approval of the distribution system. They anticipate receiving a final approval letter within the next thirty days. When that approval letter is received, a copy will be filed with the Commission.”¹

Under 16 TAC § 22.144(i):

“a responding party is under a continuing duty to supplement its discovery responses if that party acquires information upon the basis of which the party

¹ Applicant’s Response to Commission Staff’s First Request for Information to CPR Water Supply Company, LLC (Aug. 27, 2021)

knows or should know that the response was incorrect or incomplete when made, or through correct or complete when made, is materially incorrect or incomplete. The responding party shall amend its prior response within five working days of acquiring the information.”²

CPR Water’s response to Staff 2-1 was filed on August 27, 2021. As of the date of this filing, 40 days have passed and CPR Water has failed to file the TCEQ final approval letter or update its response. Staff requires the requested information for further processing of this docket. Therefore, to permit CPR Water the opportunity to file the TCEQ final approval letter, or in the alternative, an update to its RFI response, Staff proposes the following amended procedural schedule:

Event	Date
Deadline for CPR Water to file the TCEQ final approval letter or supplement its response to Staff RFI 2-1	October 22, 2021
Deadline for Commission Staff to provide final maps, certificates, and tariffs (if applicable) to applicant for review and consent	November 5, 2021
Deadline to request a hearing	November 12, 2021
Deadline for applicant to file signed consent forms with the Commission	November 19, 2021
If no hearing is requested, deadline for Staff to file a final recommendation on the application	November 26, 2021
If no hearing is requested, deadline for the parties to file joint proposed findings of fact, including findings that addressed the factors in Texas Water Code § 13.246(c), and conclusions of law	December 10, 2021

II. CONCLUSION

Staff respectfully requests the issuance of an order adopting the proposed amended procedural schedule.

² Texas Administrative Code § 22.144(i)

Dated: October 8, 2021

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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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 on October 8, 2021 in accordance with the Order Suspending Rules filed in Project No. 50664.

/s/ Phillip Lehmann
Phillip Lehmann