



Filing Receipt

Received - 2021-11-05 10:29:26 AM
Control Number - 52002
ItemNumber - 25

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 REQUEST FOR EXTENSION

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 October 11, 2021, the administrative law judge (ALJ) filed Order No. 6, requiring the Staff (Staff) of the Public Utility Commission (Commission) to provide final maps, certificates, and tariffs to CPR Water for review and consent by November 5, 2021. Therefore, this pleading is timely filed.

I. REQUEST FOR EXTENSION

Under 16 Texas Administrative Code § 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, 69 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. Further, on November 3, 2021, Staff filed its Third RFI seeking clarity on other issues related to the application. Therefore, Staff respectfully requests an extension until December 7, 2021 to permit CPR Water the opportunity to respond to Staff’s Third RFI and file the TCEQ final approval letter and for Staff provide final maps, certificates, and tariffs to CPR Water for review and consent.

II. CONCLUSION

Staff respectfully requests the issuance of an order extending the deadline for Staff to provide final maps, certificates, and tariffs to CPR Water for review and consent until December 7, 2021.

² Texas Administrative Code § 22.144(i)

Dated: November 5, 2021

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Rachelle Nicolette Robles
Division Director

Rustin Tawater
Managing Attorney

/s/ Phillip Lehmann
Phillip Lehmann
State Bar No. 24100140
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711
(512) 936-7385
(512) 936-7268 (facsimile)
phillip.lehmann@puc.texas.gov

DOCKET NO. 52002

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 November 5, 2021 in accordance with the Order Suspending Rules filed in Project No. 50664.

/s/ Phillip Lehmann
Phillip Lehmann