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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 ABATE, OR IN THE ALTERNATIVE,
MOTION TO DISMISS**

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, November 15 and 30, and December 13, 2021.

On December 8, 2021, the administrative law judge (ALJ) filed Order No. 8, 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 January 7, 2022.

I. MOTION TO ABATE

On August 20, 2021, Staff filed its second request for information (RFI) to CPR Water, in which it requested the letter from the Texas Commission on Environmental Quality (TCEQ) approving the construction of the distribution system necessary to provide water service to the requested area.¹ On August 27, 2021, CPR Water filed its response to Staff Question No. 2-1 saying that “The TCEQ has not finalized its approval letter 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.”²

On November 3, 2021, Staff filed its third RFI and requested an update on the approval letter in Question No. Staff 3-8.³ On November 15, 2021, CPR Water filed its response to Staff Question No. 3-8 stating “The Applicant engineer anticipates receiving approval from the Texas

¹ Commission Staff’s Second Request for Information to CPR Water Supply Company, LLC, Staff 2-1 (Aug. 20, 2021).

² Applicant’s Response to Commission Staff’s Second Request for Information to CPR Water Supply Company, LLC, Staff 2-1 at 1 (Aug. 27, 2021).

³ Commission Staff’s Third Request for Information to CPR Water Supply Company, LLC, Staff 3-8 (Nov. 3, 2021).

Commission on Environmental Quality's [sic] on November 21, 2021 for the proposed facilities and distribution system.⁴ On November 30, 2021, CPR Water filed a conditional, *but not final*, approval letter from TCEQ.⁵

On December 3, 2021, Staff filed its fourth RFI to CPR Water.⁶ In Question No. Staff 4-1, Staff asked CPR Water to admit or deny that it has obtained an approval letter from TCEQ for the distribution system necessary to serve the proposed customers. On December 13, 2021, CPR Water filed its response to Staff Question No. 4-1.⁷ CPR Water stated that "Plans and specifications for the distribution system are being submitted to the TCEQ for approval. We will provide updates as received regarding the TCEQ's approval process for these plans and specifications."⁸

Staff requires the requested information for further processing of this docket. Therefore, Staff respectfully requests that the ALJ abate this proceeding until CPR Water files the final TCEQ approval letter. In the alternative, and if the ALJ prefers, Staff respectfully recommends that this docket be dismissed without prejudice and allow CPR Water to refile once they have obtained the final TCEQ approval letter.

II. CONCLUSION

Staff respectfully requests the issuance of an order consistent with the foregoing recommendations.

⁴ Applicant's Response to Commission Staff's Third Request for Information to CPR Water Supply Company, LLC, Staff 3-8 at 3 (Nov. 15, 2021).

⁵ TCEQ Approval Letter – CPR (Nov. 30, 2021).

⁶ Commission Staff's Fourth Request for Information to CPR Water Supply Company, LLC, Staff 4-1 (Dec. 13, 2021).

⁷ Applicant's Response to Commission Staff's Fourth Request for Information to CPR Water Supply Company, LLC, Staff 4-1 at 1 (Dec. 13, 2021).

⁸ *Id.*

Dated: January 7, 2022

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 January 7, 2022 in accordance with the Order Suspending Rules filed in Project No. 50664.

/s/ Phillip Lehmann
Phillip Lehmann