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Received - 2021-11-22 12:00:55 PM

Control Number - 52089

ItemNumber - 32

DOCKET NO. 52089

**APPLICATION OF ALPHA UTILITY OF §
CAMP COUNTY, LLC AND CSWR- § PUBLIC UTILITY COMMISSION
TEXAS OPERATING UTILITY FOR §
SALE, TRANSFER, OR MERGER OF § OF TEXAS
FACILITIES AND CERTIFICATE §
RIGHTS IN CAMP COUNTY §**

**JOINT MOTION TO ADMIT EVIDENCE
AND PROPOSED ORDER APPROVING THE SALE AND TRANSFER TO PROCEED**

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ATTACHMENT: Proposed Order Approving the Sale and Transfer to Proceed

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**JOINT MOTION TO ADMIT EVIDENCE
AND PROPOSED ORDER APPROVING THE SALE AND TRANSFER TO PROCEED**

COME NOW Alpha Utility of Camp County, LLC (“Alpha Utility”) and CSWR-Texas Utility Operating Company, LLC (“CSWR Texas”), together with the Staff (“Staff”) of the Public Utility Commission of Texas (“Commission”) (collectively, “the Parties”), file this Joint Motion to Admit Evidence and Proposed Order Approving the Sale and Transfer to Proceed. In support thereof, the Parties show the following:

I. BACKGROUND

On May 6, 2021, Alpha Utility and CSWR Texas (collectively, the “Applicants”) filed an application with the Public Utility Commission of Texas (“Commission”) for approval of the sale, transfer, or merger of facilities and certificate rights in Camp County (“Application”). The Applicants seek the transfer of all water facilities owned by Alpha Utility and the amendment of CSWR Texas’s Certificate of Convenience and Necessity (CCN) number 13290 for the addition of 217 acres under CSWR Texas’s CCN No. 13290. The requested sale and transfer includes approximately 217 acres and 163 connections.

Pursuant to Order No. 5, the Parties timely file this Joint Motion to Admit Evidence and Proposed Order Approving the Sale and Transfer to Proceed.

II. JOINT MOTION TO ADMIT EVIDENCE

The Parties move to admit the following items into the record evidence of this proceeding:

1. the application, including confidential attachments, filed on May 6 and 7, 2021 (Interchange Item Nos. 1 through 7);
2. CSWR Texas’s Amended Highly Sensitive Attachment G to the Application, filed on June 23 and 24, 2021 (Interchange Item Nos. 13 and 14);

3. CSWR Texas's first supplement to the application filed on October 1 and 4, 2021, (Interchange Item Nos. 25 and 26);
4. CSWR Texas's affidavit of notice to current customers, neighboring utilities, and affected parties, including confidential Exhibit B, filed on August 13 and 16, 2021 (Interchange Item Nos. 18 and 19);
5. Staff's recommendation on sufficiency of notice, filed on August 25, 2021 (Interchange Item No. 20);
6. CSWR Texas' Response Letter to Order No. 4, filed on August 30, 2021 (Interchange Item No. 22);
7. Staff's Supplemental Recommendation on Sufficiency of Notice and Proposed Procedural Schedule filed on September 3, 2021 (Interchange Item No. 24); and
8. Staff's recommendation on the transaction, filed on October 13, 2021. (Interchange Item No. 29).

III. STAFF RECOMMENDATION FOR ADMINISTRATIVE PROCESS

As demonstrated in its recommendation in this proceeding, Commission Staff has performed a cumulative review to assess CSWR Texas's technical and managerial capability to provide service to the requested areas and customers affected in all prior CSWR Texas STM dockets in which Commission Staff has recommended the transaction to proceed, and it has determined that CSWR Texas has demonstrated its ability to provide continuous and adequate service to each of the requested areas, both individually and as a whole. In addition, Commission Staff determined that CSWR Texas has the financial ability to pay for facilities necessary to provide service in each of the requested areas, both individually and as a whole.

IV. PROPOSED ORDER APPROVING THE SALE AND TRANSFER TO PROCEED

The Parties move for adoption of the attached Proposed Order Approving the Sale and Transfer to Proceed.

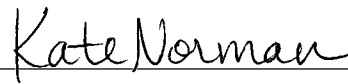
V. CONCLUSION

The Parties respectfully request that the Commission grant the Joint Motion to Admit Evidence and adopt the attached Proposed Order Approving the Sale and Transfer for Proceed.

Respectfully submitted,

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

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**PUBLIC UTILITY COMMISSION OF
TEXAS LEGAL DIVISION**

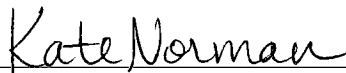
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CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of November 2021, a true and correct copy of the foregoing document was served on all parties of record via electronic mail in accordance with the Order Suspending Rules issued in Project No. 50664.



Kate Norman

DOCKET NO. 52089

APPLICATION OF ALPHA UTILITY OF	§	
CAMP COUNTY, LLC AND CSWR-	§	PUBLIC UTILITY COMMISSION
TEXAS OPERATING UTILITY FOR	§	
SALE, TRANSFER, OR MERGER OF	§	OF TEXAS
FACILITIES AND CERTIFICATE	§	
RIGHTS IN CAMP COUNTY	§	

JOINT PROPOSED ORDER APPROVING SALE AND TRANSFER TO PROCEED

This Order addresses the application of Alpha Utility of Camp County, LLC and CSWR-Texas Utility Operating Company, LLC for the sale, transfer, or merger of facilities in Camp County. Alpha Utility and CSWR Texas seek the sale and transfer of all facilities and service area held under Alpha Utility’s water Certificate of Convenience and Necessity (CCN) number 12696 to CSWR Texas, the cancellation of Alpha Utility’s water CCN number 12696, and the amendment of CSWR Texas’s water CCN number 13290 to include the area previously included in Alpha Utility’s water CCN number 12696. The administrative law judge (ALJ) grants that the sale is approved and the transaction between Alpha Utility and CSWR Texas may proceed and be consummated.

I. Findings of Fact

The Commission makes the following findings of fact:

Applicants

1. Alpha Utility is an investor-owned utility that operates, maintains, and controls facilities for providing water service in Camp County under CCN number 12696.
2. Alpha Utility owns and operates a public water system registered with the Texas Commission on Environmental Quality (TCEQ) as Woodland Harbor, public water system number 0320014.
3. CSWR Texas is a Texas limited liability company registered with the Texas secretary of state under file number 0803367893.
4. CSWR Texas is an investor-owned utility that operates, maintains, and controls facilities for providing water service in Aransas, Austin, Burlison, Burnet, Denton, Erath,

Guadalupe, Hays, Harris, Hidalgo, Hood, Llano, Lubbock, McCulloch, Montague, Parker, Victoria, Wilson, and Wood counties under CCN number 13290.

Application

5. On May 6, 2021, Alpha Utility and CSWR Texas filed the application for approval to transfer of all facilities and service area held under Alpha Utility's water CCN number 12696 to CSWR Texas, cancel of Alpha Utility's water CCN number 12696, and amend CSWR Texas's water CCN number 13290 to include the area previously included in Alpha Utility's water CCN number 12696.
6. CSWR Texas filed an amended confidential Attachment G to the application on June 23, 2021, June 24, 2021, October 1, 2021, and October 4, 2021.
7. In the application, Alpha Utility and CSWR Texas seek approval of the following transaction: (a) CSWR Texas will acquire all of Alpha Utility's water facilities and water service area under water CCN number 12696; (b) Alpha Utility's water CCN number 12696 will be cancelled; and (c) CSWR Texas's water CCN number 13290 will be amended to include the area previously included in Alpha Utility's water CCN number 12696.
8. The requested area comprises approximately 217 acres and 163 connections.
9. The requested area is located approximately 4.5 miles northwest of downtown Pittsburg, Texas, and is generally bounded on the north and east by County Road 2119; on the south by County Road 2121; and on the west by Lake Bob Sandlin and County Road 2135.
10. In Order No. 3 filed on July 14, 2021, the ALJ deemed the application administratively complete.

Notice

11. On August 13, 2021, CSWR Texas filed the affidavit of Aaron Silas, regulatory case manager of CSWR Texas, attesting that notice was provided to all current customers of Alpha Utility, neighboring utilities, and affected parties on August 12, 2021.
12. In Order No. 5 filed on September 3, 2021, the ALJ deemed the notice sufficient.

Evidentiary Record

13. On November 12, 2021, the parties filed a joint motion to admit evidence.
14. In Order No. __ filed on _____, the ALJ admitted the following evidence into the record: (a) the application, including confidential attachments, filed on May 6 and 7, 2021; (b) CSWR Texas's amended Highly Sensitive Attachment G to the application filed on June 23 and 24, 2021; (c) CSWR Texas's first supplement to the application filed on October 1 and 4, 2021; (d) CSWR Texas's affidavit of notice to current customers, neighboring utilities, and affected parties, including confidential Exhibit B, filed on August 13 and 16, 2021; (e) Commission Staff's recommendation on sufficiency of notice, filed on August 25, 2021; (f) CSWR Response Letter to Order No. 4, filed on August 30, 2021; (g) Commission Staff's Supplemental Recommendation on Sufficiency of Notice and Proposed Procedural Schedule filed on September 3, 2021; and (h) Commission Staff's recommendation on the transaction, including confidential attachments, filed on October 13, 2021.

Cumulative Recommendation

15. On October 13, 2021, Commission Staff filed its recommendation regarding the transaction in this docket recommending that CSWR Texas has the financial, managerial, and technical capability to provide continuous and adequate service to all areas included

in this docket and in Docket Nos. 50251,¹ 50276,² 50311,³ 50989,⁴ 51026,⁵ 51065,⁶

¹ *Application of JRM Water LLC and CSWR-Texas Utility Operating Company, LLC for Sale, Transfer, or Merger of Facilities and Certificate Rights in Victoria County, Docket No. 50251, Notice of Approval (Mar. 12, 2021).*

² *Application of North Victoria Utilities, Inc. and CSWR-Texas Utility Operating Company, LLC for Sale, Transfer, or Merger of Facilities and Certificate Rights in Victoria County, Docket No. 50276, Notice of Approval (Mar. 11, 2021).*

³ *Application of Copano Heights Water Company and CSWR-Texas Utility Operating Company, LLC for Sale, Transfer, or Merger of Facilities and Certificate Rights in Aransas County, Docket No. 50311, Notice of Approval (Mar. 17, 2021).*

⁴ *Application of Ranch Country of Texas Water Systems, Inc. and CSWR-Texas Utility Operating Company, LLC for Sale, Transfer, or Merger of Facilities and Certificate Rights in Austin County, Docket No. 50989, Notice of Approval (Apr. 23, 2021).*

⁵ *Application of Tall Pines Utility, Inc. and CSWR-Texas Utility Operating Company, LLC for Sale, Transfer, or Merger of Facilities and Certificate Rights in Harris County, Docket No. 51026, Notice of Approval (Apr. 23, 2021).*

⁶ *Application of Treetop Utilities, Inc. and CSWR-Texas Utility Operating Company, LLC for Sale, Transfer, or Merger of Facilities and Certificate Rights in Parker County, Docket No. 51065, Corrected Notice of Approval (Mar. 10, 2021).*

51118,⁷ 51031,⁸ 51047,⁹ 51130,¹⁰ 51146,¹¹ 51089,¹² 51003,¹³ 51036,¹⁴ 51222,¹⁵ 51642,¹⁶

⁷ *Application of Shady Oaks Water Supply Company, LLC and CSWR-Texas Utility Operating Company, LLC for Sale, Transfer, or Merger of Facilities and Certificate Rights in Wilson County, Docket No. 51118, Notice of Approval (Mar. 18, 2021).*

⁸ *Application of Council Creek Village, Inc. d/b/a Council Creek Village d/b/a South Council Creek 2 CSWR-Texas Utility Operating Company, LLC for Sale, Transfer, or Merger of Facilities and Certificate Rights in Burnet County, Docket No. 51031, Notice of Approval (Apr. 14, 2021).*

⁹ *Application of Jones-Owen Company d/b/a South Silver Creek I, II, and III and CSWR-Texas Utility Operating Company, LLC for Sale, Transfer, or Merger of Facilities and Certificate Rights in Burnet County, Docket No. 51047, Notice of Approval (Apr. 19, 2021).*

¹⁰ *Application of Laguna Vista Limited and Laguna Tres, Inc. CSWR-Texas Utility Operating Company, LLC for Sale, Transfer, or Merger of Facilities and Certificate Rights in Hood County, Notice of Approval (Apr. 20, 2021).*

¹¹ *Application of Abraxas Corporation and CSWR-Texas Utility Operating Company, LLC for Sale, Transfer, or Merger of Facilities and Certificate Rights in Parker County, Notice of Approval (Apr. 23, 2021).*

¹² *Application of Donald E. Wilson d/b/a Quiet Village II d/b/a QV Utility CSWR-Texas Utility Operating Company, LLC for Sale, Transfer, or Merger of Facilities and Certificate Rights in Hidalgo County, Docket No. 51089, Notice of Approval (Nov. 18, 2021).*

¹³ *Application of Oak Hill Ranch Estates Water and CSWR-Texas Utility Operating Company, LLC for Sale, Transfer, or Merger of Facilities and Certificate Rights in Guadalupe and Wilson Counties, Docket No. 51003 Notice of Approval (Aug. 9, 2021).*

¹⁴ *Application of Kathie Lou Daniels d/b/a Woodlands West and CSWR-Texas Utility Operating Company, LLC for Sale, Transfer, or Merger of Facilities and Certificate Rights in Burleson County, Docket No. 51036, Notice of Approval (Aug. 23, 2021).*

¹⁵ *Application of the Estate of Patetreen Petty McCoy d/b/a Big Wood Springs Water Company and CSWR-Texas Utility Operating Company, LLC for Sale, Transfer, or Merger of Facilities and Certificate Rights in Wood County, Docket No. 51222 (pending).*

¹⁶ *Application of James L. Nelson dba WaterCo and CSWR-Texas Utility Operating Company, LLC for Sale, Transfer, or Merger of Facilities and Certificate Rights in Montague County, Docket No. 51642 (pending).*

51126,¹⁷ 51544,¹⁸ 51928,¹⁹ 51940,²⁰ 51917,²¹ 50989,²² and 51981.²³

System Compliance – Texas Water Code (TWC) § 13.301(e)(3)(A); 16 Texas Administrative Code (TAC) §§ 24.227(a), 24.239(h)(3)(A), (h)(5)(I)

16. Alpha Utility’s public water system number 0320014 is currently not in compliance with the rules of the TCEQ.
17. CSWR Texas intends to invest the capital required to make the upgrades, renovations, and repairs necessary to bring the water system into compliance with TCEQ regulations and to ensure customers receive safe and reliable service within a reasonable time upon consummation of the transaction.
18. CSWR Texas has agreed to work with the TCEQ to address any outstanding compliance issues upon consummation of the transaction.
19. CSWR Texas demonstrated a compliance history that is adequate for approval of the sale to proceed.

Adequacy of Existing Service—TWC § 13.246(c)(1); 16 TAC §§ 24.227(e)(1), 24.239(h)(5)(A)

¹⁷ Application of Shawn M. Horvath Dba Aero Valley Water Service and CSWR-Texas Utility Operating Company, LLC For Sale, Transfer, Or Merger of Facilities and to Amend CSWR-Texas Utility Operating Company, LLC’s Certificate of Convenience and Necessity in Denton County, Docket No. 51126 (pending).

¹⁸ Application of Franklin Water Service Co. LLC and CSWR-Texas Utility Operating Company, LLC For Sale, Transfer, Or Merger of Facilities and Certificate Rights in Lubbock County, Docket No. 51544 (pending).

¹⁹ Application of Betty J. Drago and CSWR-Texas Utility Operating Company, LLC For Sale, Transfer, Or Merger of Facilities and Associated Acreage in Erath County, Docket No. 51928 (pending).

²⁰ Application of Walnut Bend Water Supply and CSWR-Texas Utility Operating Company, LLC For Sale, Transfer Or Merger of Facilities and Certificate Rights in Angelina County, Docket No. 51940 (pending).

²¹ Application of Rocket Water Company, inc. and CSWR-Texas Utility Operating Company, LLC For Sale, Transfer, Or Merger of Facilities and Certificate Rights in Hays County, Docket No. 51917 (pending).

²² Application of Ranch Country of Texas Water System, Inc. and CSWR-Texas Utility Operating Company, LLC for Sale, Transfer, Or Merger of Facilities and Certificate Rights in Austin County, Docket No. 50989, Notice of Approval (Apr. 23, 2021).

²³ Application of Live Oak Hills and Flag Creek Ranch Water Systems and CSWR-Texas Utility Operating Company, LLC for Sale, Transfer, or Merger of Facilities and Certificate Rights in Llano and McCulloch Counties, Docket No. 51981 (pending).

20. There are currently 163 connections in the 217-acre requested area that is being served by Alpha Utility through public water system number 0320014.
21. Alpha Utility has several violations listed in the TCEQ database, which means the service currently provided to the requested area is inadequate. CSWR Texas stated that it intends to invest the capital required to make the upgrades, renovations, and repairs necessary to bring the water system into compliance with TCEQ regulations and to ensure customers receive safe and reliable service.

Need for Additional Service—TWC § 13.246(c)(2); 16 TAC §§ 24.227(e)(2), 24.239(h)(5)(B)

22. There is a continuing need for service because Alpha Utility is currently providing service to 163 connections in the requested area.
23. This is an application to transfer only existing facilities, customers, and service area. There have been no specific requests for additional service within the 217-acre requested area.

Effect of Approving the Transaction and Granting the Amendment—TWC § 13.246(c)(3); 16 TAC §§ 24.227(e)(3), 24.239(h)(5)(C)

24. Approving the sale and transfer to proceed and granting the CCN amendment will obligate CSWR Texas to provide continuous and adequate water service to current and future customers in the 217-acre requested area.
25. Because this application is to transfer only existing facilities, customers, and service area, there will be no effect on any other retail public utility servicing the proximate area.
26. There will be no effect on landowners as the area is currently certificated.
27. CSWR Texas will adopt Alpha Utility's current rates upon the consummation of the transaction.

Ability to Serve: Managerial and Technical—TWC §§ 13.241(a), (b), 13.246(c)(4), 13.301(b), (e)(2); 16 TAC §§ 24.227(a), (e)(4), 24.239(h)(2), (h)(5)(D)

28. CSWR Texas owns and operates 31 public water systems registered with TCEQ and does not have any active violations listed in the TCEQ database

29. CSWR Texas employs or contracts with TCEQ-licensed water operators who will operate the public water system.
30. CSWR Texas intends to invest the capital required to make the upgrades, renovations, and repairs necessary to bring the water system into compliance with TCEQ regulations and to ensure customers receive safe and reliable service within a reasonable time upon consummation of the transaction.
31. CSWR Texas has the technical and managerial capability to provide adequate and continuous service to the requested area.

Ability to Serve: Financial Ability and Stability—TWC §§ 13.241(a), 13.246(c)(6), 13.301(b); 16 TAC §§ 24.11(e), 24.227(a), (e)(6), 24.239(e), (h)(5)(F)

32. CSWR, LLC, the immediate parent company of CSWR Texas, is capable, available, and willing to cover temporary cash shortages, and has a debt-to-equity ratio of less than one, satisfying the leverage test.
33. CSWR, LLC provided a written guarantee of coverage of temporary cash shortages and demonstrated that it has sufficient cash available to cover any projected operations and maintenance shortages in the first year five years of operations after completion of the transaction and possesses the cash and leverage ability to pay for capital improvements and necessary equity investments—satisfying the operations test.
34. CSWR Texas demonstrated the financial and managerial ability and stability to provide continuous and adequate service to the requested area.

Financial Assurance—TWC §§ 13.246(d), 13.301(c); 16 TAC §§ 24.227(f), 24.239(f)

35. There is no need to require CSWR Texas to provide a bond or other financial assurance to ensure continuous and adequate service.

Feasibility of Obtaining Service from Adjacent Retail Public Utility—TWC § 13.246(c)(5); 16 TAC §§ 24.227(e)(5), 24.239(h)(5)(E)

36. The requested area is currently being served by Alpha Utility, and there will be no changes to land uses or existing CCN boundaries.
37. Alpha Utility receives service from an adjacent retail public utility and is currently serving customers but does not have sufficient capacity.

38. CSWR Texas intends to invest the capital required to ensure the system has sufficient capacity and that service provided to the requested area is adequate.

Environmental Integrity and Effect on the Land—TWC § 13.246(c)(7), (c)(9); 16 TAC §§ 24.227(e)(7), (e)(9), 24.239(h)(5)(G)

39. The requested area will continue to be served with existing infrastructure.
40. There will be minimal effects on environmental integrity and on the land as a result of CSWR Texas's planned upgrades, renovations, and repairs to the public water system.

Improvement of Service or Lowering Cost to Consumers—TWC § 13.246(c)(8); 16 TAC §§ 24.227(e)(8), 24.239(h)(5)(H)

41. Water service to the requested area will improve because CSWR Texas intends to address and resolve regulatory compliance issues and improve the safety and reliability of service.
42. The rates charged to customers in the requested area will not change as a result of the proposed transaction because CSWR Texas will adopt the currently in effect tariff for the Alpha Utility's water system upon consummation of the transaction.

Regionalization or Consolidation—TWC § 13.241(d); 16 TAC § 24.227(b)

43. CSWR Texas will not need to construct a physically separate water system to continue serving the requested area; therefore, concerns of regionalization or consolidation do not apply.

II. Conclusions of Law

The Commission makes the following conclusions of law:

1. CSWR Texas and Alpha Utility provided notice of the application that complies with TWC §§ 13.246 and 13.301(a)(2) and 16 TAC § 24.239.
2. After consideration of the factors in TWC § 13.246(c), CSWR Texas demonstrated adequate financial, managerial, and technical capability for providing adequate and continuous service to the requested area as required by TWC § 13.301(b).
3. CSWR Texas and Alpha Utility have demonstrated that the sale of Alpha Utility's facilities to CSWR Texas will serve the public interest and is necessary for the service,

accommodation, convenience, and safety of the public as required by TWC § 13.301(d) and (e).

III. Ordering Paragraphs

In accordance with the preceding findings of fact and conclusions of law, the Commission enters the following orders.

1. The Commission approves the sale and the transaction between Alpha Utility and CSWR Texas may proceed and be consummated.
2. As soon as possible after the effective date of the transaction, but not later than 30 days after the effective date, the applicants must file proof that the transaction has been consummated and customer deposits, if any, have been addressed.
3. The applicants have 180 days to complete the transaction.
4. Under 16 TAC § 24.239(m), if the transaction is not consummated within this 180-day period, or an extension is not granted, this approval is void and the applicants will have to reapply for approval.
5. In an effort to finalize this case as soon as possible, the applicants must continue to file monthly updates regarding the status of the closing and submit documents evidencing that the transaction was consummated.
6. Within 15 days following the filing of the applicants’ proof that the transaction has been consummated and customer deposits, if any, have been addressed, Commission Staff must file a recommendation regarding the sufficiency of the documents and propose a schedule for continued processing of this docket.

Signed at Austin, Texas the _____ day of _____ 2021.

PUBLIC UTILITY COMMISSION OF TEXAS

**GREGORY R. SIEMANKOWSKI
ADMINISTRATIVE LAW JUDGE**