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**SOAH DOCKET NO. 473-23-07815
PUC DOCKET NO. 52445**

APPLICATION OF HYDROTEX, LLC	§	PUBLIC UTILITY COMMISSION
FOR A CERTIFICATE OF	§	
CONVENIENCE AND NECESSITY IN	§	OF TEXAS
LIBERTY COUNTY	§	

JOINT MOTION FOR REMAND

I. BACKGROUND

On August 18, 2021, HydroTex, LLC (HydroTex) filed an application to obtain a water certificate of convenience and necessity (CCN) in Liberty County. The application requests a service area that includes 89 acres and 120 proposed connections.

On December 13, 2023, the Office of Policy and Docket Management (OPDM) filed an order of referral to the State Office of Administrative Hearings (SOAH). On January 24, 2023, the SOAH administrative law judge (ALJ) filed SOAH Order No. 1, establishing a deadline of February 9, 2023 for the parties to confer and file an agreed proposed procedural schedule and setting a pre-hearing conference on February 13, 2023.

II. MOTION FOR REMAND

On September 22, 2022, Staff (Staff) for the Public Utility Commission of Texas (Commission) requested referral of this proceeding to SOAH. That request arose from a statutory requirement of 16 Texas Administrative Code (TAC) § 24.3(3)(F), which requires notice, a hearing, and a determination by the Commission of whether the definition of *affiliated interest* or *affiliate* is applicable.

On January 9, 2023, HydroTex filed a response to Staff's second request for information (RFI) and additional information (Item Nos. 38 and 39, respectively). After reviewing HydroTex's response to Staff's second RFI and additional information in conjunction with HydroTex's previously filed information, Staff recommends that it satisfies a separate definition for *affiliated interest* or *affiliate* provided by 16 TAC 24.3(3)—namely 16 TAC § 24.3(3)(D). This definition of *affiliated interest* or *affiliate*, unlike that found in 16 TAC § 24.3(3)(F), does not require notice, a hearing, and a determination by the Commission.

Therefore, Staff respectfully requests that this matter be remanded to the Commission to allow Staff to file a revised recommendation and that the prehearing conference currently scheduled for February 13, 2023, be cancelled. Staff has conferred with Roy Rodriguez, the Utilities Director for HydroTex, who has indicated that Hydrotex is in agreement with this motion.

III. CONCLUSION

Based on the foregoing, Staff respectfully requests that this matter be remanded to the Commission to allow Staff to file a revised recommendation and that the prehearing conference currently scheduled for February 9, 2023, be cancelled.

Dated: January 30, 2023

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 via electronic mail on January 30, 2023, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Phillip Lehmann
Phillip Lehmann