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DOCKET NO. 52502

APPLICATION OF TEXAS WATER	§	PUBLIC UTILITY COMMISSION
SYSTEMS, INC. AND UNDINE	§	
DEVELOPMENT, LLC FOR SALE,	§	OF TEXAS
TRANSFER, OR MERGER OF	§	
FACILITIES AND CERTIFICATE	§	
RIGHTS IN GREGG, HENDERSON,	§	
SMITH, AND UPSHUR COUNTIES	§	

ORDER NO. 10
RESCINDING FINDING OF ADMINISTRATIVE COMPLETENESS,
ABATING PROCEEDING, AND REQUIRING CLARIFICATION

This Order addresses the June 23, 2022 joint motion to abate this proceeding filed by Texas Water Systems, Inc., Undine Development, LLC, and Commission Staff.

On February 7, 2022, Commission Staff recommended that the application be found to be administratively complete, required notice, and proposed a procedural schedule for continued processing. In the memorandum of Patricia Garcia, attached to Commission Staff's recommendation, Ms. Garcia states the application was filed pursuant to Texas Water Code (TWC) §§ 13.242 through 13.250 and 13.301 and 16 Texas Administrative Code (TAC) §§ 24.225 through 24.237 and 24.239. In Order No. 6 filed on February 8, 2022, the administrative law judge (ALJ) found the application, as supplemented, administratively complete, required notice, and established a procedural schedule. Following applicants' provision of notice, the ALJ filed Order No. 7 on March 25, 2022, finding notice sufficient and adopting a 120-day deadline, i.e. June 27, 2022, for Commission Staff to request a hearing or file, among other things, a recommendation on the approval of the sale, to accommodate the statutory deadline for the Commission to notify the parties and the Office of Public Utility Counsel on whether it will hold a hearing.¹

In the parties' June 23, 2022 joint request for abatement, the parties state, "[t]his docket concerns an application that is using a new statute for which the Commission has not yet drafted corresponding administrative regulations. Due to the novel nature of this docket, Staff needs more

¹ TWC § 13.301(e).

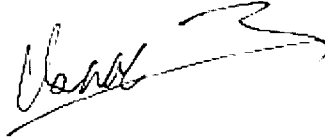
time to evaluate the application and settle on an approach that may become precedential in similar dockets.”²

Based on the foregoing, the undersigned ALJ believes it is appropriate to rescind the finding of administrative completeness. By doing so, the parties will have an appropriate amount of time to agree on the appropriate method of processing the application while avoiding running afoul of any potentially applicable statutory deadline.

Accordingly, the undersigned ALJ rescinds Order No. 6 and the finding of administrative completeness therein and grants the abatement. By July 14, 2022, the parties must file a joint status report and propose a procedural schedule for continued processing of this docket, if appropriate. As part of their status report, the parties must identify the specific statute under which the application was filed and describe the manner in which the parties intend for the application to be processed.

Signed at Austin, Texas the 24th day of June 2022.

PUBLIC UTILITY COMMISSION OF TEXAS



for

**GREGORY R. SIEMANKOWSKI
ADMINISTRATIVE LAW JUDGE**

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² Joint Request for Abatement at 1.