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DOCKET NO. 52852

APPLICATION OF TERRA	§	PUBLIC UTILITY COMMISSION
SOUTHWEST, INC. AND UNDINE	§	
DEVELOPMENT, LLC FOR SALE,	§	OF TEXAS
TRANSFER, OR MERGER OF	§	
FACILITIES AND CERTIFICATE	§	
RIGHTS IN DENTON COUNTY	§	
	§	

APPLICANT'S STATUS UPDATE

On June 28, 2022, the administrative law judge (ALJ) filed Order No. 11 requiring Commission Staff (Staff) and Applicants (collectively, Parties) to file a joint status report and propose a procedural schedule by July 18, 2022. Having been unable to reach agreement on the joint status report, and with Commission Staff having filed a unilateral status update, the Applicants hereby file this status report pursuant to Order No. 11.

I. BASIS FOR SEPARATE STATUS REPORT

The Applicants were unable to agree with Staff's proposed joint status update for two reasons. First, the Applicants disagreed with certain assertions and characterizations in Staff's proposed draft update. The Applicants believe that the status report presented below is a more accurate statement of the status of the matter. Second, the draft proposed update did not contain a procedural schedule. The Applicant's consider a procedural schedule to be appropriate and necessary at this stage in the proceeding.

This application was filed on November 16, 2021. Order No. 7, issued on March 24th, established a May 12th deadline for Commission Staff to request a hearing or file a recommendation. The Applicants have continued to cooperate with Staff, including agreeing to Staff continuances and abatements, as Staff has developed its position on its interpretation of TWC § 13.3011 and its procedure for processing applications under TWC § 13.3011. However, the ongoing delays have put this application in jeopardy, particularly in the absence of any clear timeline for the path forward on the application. Accordingly, the Applicants believe that it is appropriate and necessary that the ALJ enter a procedural schedule at this time, to protect the interest of all parties to the application.

II. APPLICANT'S STATUS UPDATE

The Applicants offer as its update that they filed this sale, transfer, merger (STM) application under Texas Water Code (TWC) § 13.301 and 16 Texas Administrative Code (TAC) § 24.239 applying TWC § 13.3011, which allows an applicant to request new rates that are currently in force for another water system the applicant owns and operates. Undine has similar applications pending, including Docket No. 52797. Staff has been prioritizing its review of Docket No. 52797 and intends to use that docket as a model for resolution of this docket. The Applicant proposes the following procedural schedule in this matter:

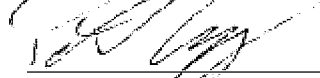
Event	Date
Deadline for Commission Staff to request a hearing or file a recommendation on the approval of the sale and on the certificate of convenience and necessity amendments.	August 1, 2022
Deadline for parties to file a response to Commission Staff's recommendation on approval of the sale.	August 14, 2022
Deadline for parties to file a joint motion to admit evidence and proposed order approving the sale and allowing transaction to proceed.	September 1, 2022
deadline for the Commission to approve the sale or require a hearing	September 15, 2022

III. CONCLUSION

For the reasons stated above, the Applicants respectfully request an order adopting the proposed procedural schedule.

Respectfully Submitted,

Gregg Law, PC



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CERTIFICATE OF SERVICE

I certify by my signature above 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 July 18, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.