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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 July 20, 2022, the administrative law judge (ALJ) filed Order No. 12 requiring Commission Staff (Staff) and Applicants (collectively, Parties) to file a clarification regarding whether a settlement in principle has been reached regarding the issue of proper processing of these dockets. Having been unable to reach agreement on a joint response, and with Commission Staff having filed a separate response on July 29th (Docket Id No. 52852-59), the Applicants hereby file this response pursuant to Order No. 12.

I. DISCUSSION

The Applicants were unable to agree with Staff’s proposed response because: (1) the Applicants disagree with Staff’s statement that “Parties have reached a settlement in principle regarding the issue of proper processing this docket and Docket No. 52797”; and (2) the response provided no defined timeframe by which Staff would perform that the prefatory action in Docket No. 52797 (“Staff recently communicated with counsel . . . that Staff expect to file a pleading with an agreed-upon procedural schedule in Docket No. 52797 very soon.”).

As the Applicants noted in their previous filing, this application has been on file since November 16, 2021 and has been administratively complete since January 18, 2022 (Docket Id. No. 25). Order No. 7, issued on March 24th, established a May 12th deadline for Commission Staff to request a hearing or file a recommendation. We are now three and a half months past that deadline as 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.

Because of the ongoing delays, the Applicants cannot agree (and have not agreed) to the issue of proper processing of this docket in the absence of a definitive deadline by which Staff will the referenced Motion for a Determination of the Sufficiency of Notice, a Determination of

Applicable Rates, and the Establishment of a Procedural Schedule on an Expedited Basis. The processing of this application has simply been delayed too long for there to be no schedule establishing the necessarily deadlines to finally move this application forward.

Further, and unfortunately, the general basis and premise under which Staff and the Applicants intended to proceed in Docket No. 52797 was called into question on Friday, January 29th. That has the potential to impact the Applicant's position on the balance of Staff's report. Accordingly, the Applicants request that the Applicants and Staff have a short period of time to evaluate the impact of that action on this docket and to provide another report following that evaluation setting out the recommended procedural path forward including a procedural schedule with definitive deadlines.

II. CONCLUSION

For the reasons stated above, the Applicants respectfully request a one-week deadline to provide a joint report, or separate reports as necessary, setting out the recommended procedural path forward including a procedural schedule with definitive deadlines.

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 August 1, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.