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Received - 2022-01-12 11:19:00 AM

Control Number - 53068

ItemNumber - 2

DOCKET NO. 53068

**APPLICATION OF SIMPLY AQUATICS § PUBLIC UTILITY COMMISSION
INC. FOR A CLASS D RATE §
ADJUSTMENT § OF TEXAS**

**ORDER NO. 1
REQUIRING COMMENTS ON ADMINISTRATIVE COMPLETENESS
AND NOTICE AND ADDRESSING PROCEDURAL MATTERS**

This Order addresses the January 10, 2022 application of Simply Aquatics Inc. for a class D rate adjustment for the water systems under its certificate of convenience and necessity (CCN) number 13259. The application indicates there are 190 current active water connections.

**I. Requiring Comments on Administrative
Completeness of the Application and Notice**

By February 9, 2022, Commission Staff must file comments on the administrative completeness of the application and notice. Further, if Commission Staff recommends that the application be deemed administratively complete, Commission Staff must also file a recommendation on final disposition, including, if necessary, a proposed tariff sheet reflecting the requested rate change.

II. Discovery

Discovery may proceed informally; however, objections to requests for information (RFIs) must be electronically filed and served within 10 days of receiving the RFI.¹ Objections must include a statement that negotiations were conducted diligently and in good faith. If the parties are unable to resolve a discovery dispute, a motion to compel a response to an RFI must be electronically filed and served within five working days of receipt of an objection. The motion to compel must specify the grounds for the motion.

¹ See *Issues Related the State of Disaster for Coronavirus Disease 2019*, Docket No. 50664, Second Order Suspending Rules (Jul. 16, 2020).

III. Filing Requirements

Service of pleadings is typically governed by 16 Texas Administrative Code (TAC) § 22.74. However, the Commission has issued a Second Order Suspending Rules, which has suspended the service requirements found in 16 TAC § 22.74.² As long as the Second Order Suspending Rules remains in effect, all parties must file any pleading or document with the Commission solely through the Interchange on the Commission's website and provide notice, by email, to all other parties that the pleading or document has been filed with the Commission, unless otherwise ordered by the presiding officer. It will be incumbent upon all other parties to obtain a copy of the pleading or document by accessing the Interchange

All parties are required to provide their current address, telephone and fax numbers, and **e-mail address**, if available, to the Commission and all other parties by electronically filing and serving all parties with such information. Each party must provide the Commission and all other parties with updated address, telephone, fax, and **e-mail address** information, if such information changes. The telephone and fax numbers will be placed on the service list for this proceeding. Parties are responsible for updating their own service lists to reflect changed information and the addition of any other parties.

IV. Ex Parte Communications

In accordance with 16 TAC § 22.3(b)(2), *ex parte* communications with the administrative law judge and presiding officer are prohibited. Parties must communicate with the ALJ only through written documents filed with the Commission's filing clerk and served on all parties. Questions concerning this Order or any other order must be submitted in writing, filed with the Commission, and served on all parties of record.

² *Id.*

Signed at Austin, Texas the 12th day of January 2022.

PUBLIC UTILITY COMMISSION OF TEXAS



HUNTER BURKHALTER
CHIEF ADMINISTRATIVE LAW JUDGE