



Filing Receipt

Filing Date - 2024-04-24 02:31:00 PM

Control Number - 53430

Item Number - 81

DOCKET NO. 53430

APPLICATION OF CSWR-TEXAS	§	PUBLIC UTILITY COMMISSION
UTILITY OPERATING COMPANY	§	
LLC AND WATER WORKS I AND II	§	OF TEXAS
FOR SALE, TRANSFER, OR MERGER	§	
OF FACILITIES AND CERTIFICATE	§	
RIGHTS IN LLANO COUNTY	§	

ORDER NO. 20
REQUIRING CAPITAL IMPROVEMENTS PLAN, SUPPLEMENTAL PROOF OF
NOTICE, COMMISSION STAFF RECOMMENDATION, AND JOINT MOTION TO
ADMIT EVIDENCE

In Order No. 11 filed on September 22, 2022, the administrative law judge (ALJ) approved the transaction to proceed in this docket and required the applicants to file proof that the transaction had closed and that customers deposits had been addressed.

I. Capital Improvements Plan

At the time the applicants filed the application and prior to severance¹ of the application into this docket and Docket Nos. 53259 and 53429,² CSWR-Texas Utility Operating Company, LLC had only filed an inspection report with a list of planned upgrades to the public water systems being transferred. While CSWR-Texas had not filed a complete capital improvements plan, an order approving the transaction was entered consistent with the Commission’s finding that “the lack of a capital improvements plan should not prevent the Commission from authorizing [the] sale to proceed. However, [the applicant] must file a capital improvements plan consistent with the Texas Water Code and Commission rules before a final order can be issued.”³ Specifically, the capital improvements plan must comply with and meet the requirements of Texas Water Code (TWC) § 13.244(d)(3) and 16 Texas Administrative Code (TAC) § 24.233(a)(6), which must

¹ Order No. 1 Severing Proceedings, Establishing Docket, and Setting Deadline (Apr. 4, 2022).

² *Application of CSWR-Texas Utility Operating Company LLC and Cody and Anita Lewis dba Cassie Water Company for Sale, Transfer, or Merger of Facilities and Certificate Rights in Burnet County*, Docket No. 53259 (pending); *Application of CSWR-Texas Utility Operating Company LLC and Deer Springs Water Company for Sale, Transfer, or Merger of Facilities and Certificate Rights in Burnet County*, Docket No. 53429 (pending).

³ *Application of Aqua Texas, Inc. and Forest Grove, Inc. dba Southern Oaks Water Supply for Sale, Transfer, or Merger of Facilities and Certificate Rights in Navarro and Freestone Counties and For Dual Certification with Winkler Water Supply Corporation*, Docket No. 54341, Commission McAdams memorandum at 1 (June 28, 2023).

include a budget and an estimated timeline for construction of all facilities necessary to provide full service to the requested area, keyed to a map showing where such facilities will be located to provide service.

By May 6, 2024, CSWR-Texas must identify the documents that constitute its complete capital improvements plan for its planned upgrades to the public water system at issue in this proceeding. Alternatively, by the same date, CSWR-Texas must file a complete capital improvements plan for its planned upgrades.

By May 13, 2024, Commission Staff must file a recommendation on CSWR-Texas' capital improvements plan.

II. Requiring Supplemental Proof of Notice

Under 16 TAC § 24.239(e)(1), notice of a sale, transfer, or merger application must be provided to affected customers and other affected parties. Under TWC § 13.246(a-1) and 16 TAC § 24.235(b)(2), notice of an application for an amendment to a CCN must be mailed to each owner of a tract of land that is at least 25 acres and is wholly or partially included in the area proposed to be certified.

By May 6, 2024, the applicants must file an affidavit that notice has been mailed by first-class mail to each owner of a tract of land that is at least 25 acres and is wholly or partially included in the area proposed to be certified according to the most current tax appraisal rolls of the applicable central appraisal district at the time the Commission received the application for the sale, transfer, or merger application. Further, the applicants must supplement their proof of notice by providing a copy of applicable appraisal district maps overlaid with the requested area, a list of the landowners with properties wholly or partially in the requested area, and the acreage owned by each listed owner. If there are no landowners with a tract of land that is at least 25 acres and is wholly or partially included in the requested area, the applicants must file an affidavit confirming the same.

By May 13, 2024, Commission Staff must file a supplemental recommendation on the applicants' supplemented notice.

Signed at Austin, Texas on the 24th day of April 2024.

PUBLIC UTILITY COMMISSION OF TEXAS

A handwritten signature in black ink, appearing to read 'Isaac TA', written over a horizontal line.

ISAAC TA
ADMINISTRATIVE LAW JUDGE