



Filing Receipt

Received - 2022-04-25 03:27:44 PM
Control Number - 53500
ItemNumber - 5

DOCKET NO. 53500

REQUEST FOR AN EMERGENCY	§	PUBLIC UTILITY COMMISSION
ORDER APPOINTING A TEMPORARY	§	
MANAGER FOR MARION J. SMITH	§	OF TEXAS
DBA SMITH MANAGEMENT	§	
SERVICES WITHOUT A HEARING	§	

COMMISSION STAFF’S NOTICE OF HEARING

On April 18, 2022, the Staff (Commission Staff) of the Public Utility Commission of Texas (Commission) filed a request for an emergency order appointing Intermediary Solutions Holdings, LLC (Intermediary) as temporary manager of Smith Management Services (SMS). On April 19, 2022, the executive director of the Commission entered an emergency order granting Staff’s request and set a date for a hearing to affirm, modify, or set aside the emergency order for May 12, 2022. On April 20, 2022, the administrative law judge filed Order No. 1 requiring Commission Staff to file and serve upon SMS a notice of hearing that complies with the requirements of Texas Government Code §§ 2001.051-2001.052 by April 27, 2022.

On April 25, 2022, Commission Staff sent via certified mail, return receipt requested, a copy of the attached Notice of Hearing to SMS and to Intermediary.

Dated: April 25, 2022

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
DIVISION OF COMPLIANCE & ENFORCEMENT**

Barksdale English
Division Director

/s/ Jenna Keller

Jenna Keller
State Bar No. 24123891
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7285
(512) 936-7268 (facsimile)
Jenna.Keller@puc.texas.gov

DOCKET NO. 53500

CERTIFICATE OF SERVICE

I certify 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 April 25, 2022, in accordance with the Order Suspending Rules issued in Project No. 50664.

/s/ Jenna Keller
Jenna Keller

Peter M. Lake
Chairman

Will McAdams
Commissioner

Lori Cobos
Commissioner

Jimmy Glotfelty
Commissioner

Thomas Gleeson
Executive Director



Greg Abbott
Governor

Public Utility Commission of Texas

DOCKET NO. 53500 **NOTICE OF HEARING ON EMERGENCY ORDER**

PETITION: Commission Staff's Request for an Emergency Order Appointing a Temporary Manager for Marion J. Smith dba Smith Management Services Without a Hearing.

On April 18, 2022, the Staff of the Public Utility Commission of Texas (Commission) requested that the executive director of the Commission issue an emergency order appointing a temporary manager to manage the retail water utility services and operations of Marion J. Smith dba Smith Management Services (collectively referred to as the "Water Systems") located in Lubbock County. Notice of the petition was mailed on April 19, 2022, to the last known address of the Water Systems listed in Commission Staff's petition.

On April 19, 2022, under authority delegated by the Commission, the executive director granted the petition and appointed Intermediary Solutions Holdings, LLC as temporary manager of the Water Systems. The appointment is effective May 2, 2022.

The emergency order was issued without a hearing under the authority provided by §§ 13.4132 and 13.451 of the Texas Water Code (TWC) and 16 Texas Administrative Code (TAC) §§ 24.14(a)(1), 24.355(b), and 22.299(d). TWC § 13.451 authorizes the Commission to issue an emergency order after providing notice and opportunity for a hearing that the Commission considers practicable under the circumstances or without notice or opportunity for a hearing. In accordance with 16 TAC § 22.297, Commission Staff provides the following notice of a hearing to affirm, modify, or set aside the emergency order issued without hearing on April 19, 2022:

EMERGENCY ORDER HEARINGS: In accordance with TWC § 13.451 and 16 TAC § 22.297, a hearing to affirm, modify, or set aside the emergency order will be held at the Commission's Open Meeting scheduled to begin at **9:30 a.m. on May 12, 2022** and take place at the Commission's offices at **1701 N. Congress Avenue, 7th Floor, Austin, Texas 78701**.

The Commission will consider evidence on whether to affirm, modify, or set aside the emergency order appointing the temporary manager. Any affected person may participate in the evidentiary hearing or waive the right to such hearing. Waiver of the right to a hearing may occur if an affected person gives written notice of its waiver to the right to hearing to the Commission, or fails to attend the hearing. The hearing will be conducted in accordance with Chapter 2001 of the Texas Government Code, TWC chapter 13, and Commission rules in 16 TAC chapter 24.



A prehearing conference will be held at **10:30 a.m. on May 11, 2022**, in the Commissioner's Hearing Room, located at the Commission's offices at **1701 N. Congress Avenue, 7th Floor, Austin, Texas 78701.**

Persons planning to attend this hearing who have disabilities requiring auxiliary aids or services should notify the Commission as far in advance as possible so that appropriate arrangements can be made. Requests can be made by mail, telephone or in person to the Commission's Office of Customer Protection, 1701 N Congress Ave., Austin, Texas 78701, phone number (512) 936-7150 or (512) 936-7136 for the teletypewriter for the deaf.

Sincerely,

PUBLIC UTILITY COMMISSION OF TEXAS

**DIVISION OF COMPLIANCE AND
ENFORCEMENT**

Barksdale English
Division Director

/s/ Jenna Keller

Jenna Keller
State Bar No. 24123891
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7285
(512) 936-7268 (facsimile)
Jenna.Keller@puc.texas.gov