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APPLICATION OF CSWR-TEXAS	§	
UTILITY OPERATING COMPANY, LLC	§	
AND PATTERSON WATER SUPPLY,	§	PUBLIC UTILITY COMMISSION
LLC FOR SALE, TRANSFER, OR	§	
MERGER OF FACILITIES AND	§	OF TEXAS
CERTIFICATE RIGHTS IN DALLAS,	§	
DENTON, PARKER, TARRANT, AND	§	
WISE COUNTIES	§	

RESPONSE IN OPPOSITION TO CITY OF DENTON’S MOTION TO INTERVENE

COMES NOW CSWR-Texas Utility Operating Company, LLC (“CSWR Texas”) and files this Response to the City of Denton’s Motion to Intervene. CSWR Texas received the motion to intervene on November 14, 2022 and submits this response one day later. Accordingly, pursuant to 16 Tex. Admin Code § 22.78, the response is timely filed. CSWR Texas is authorized to state that Commission Staff does not oppose this response in opposition to the motion to intervene. In support thereof, CSWR Texas shows the following:

I. BACKGROUND

On June 15, 2022, Patterson Water Supply, LLC (“Patterson”) and CSWR Texas (collectively, the “Applicants”) filed an application with the Public Utility Commission of Texas (“Commission”) for approval of the sale, transfer, or merger of facilities and certificate rights in Dallas, Denton, Parker, Tarrant, and Wise Counties (“Application”). The Applicants seek the transfer of certain water facilities owned by Patterson and the amendment of CSWR Texas’s certificate of convenience and necessity (“CCN”) number 13290 to include approximately 1,853 acres under CSWR Texas’s CCN No. 13290.

In Order No. 3, the Administrative Law Judge (“ALJ”) set the deadline to intervene as 30 days after notice was issued. Notice was completed on September 30, 2022, making the 30-day deadline October 30, 2022. The City of Denton’s motion to intervene was filed on November 14, 2022, approximately two weeks after the intervention deadline had passed. Further, a proposed order allowing the proposed sale to proceed and request to expedite issuance of the order is currently pending before the ALJ.

II. RESPONSE TO MOTION TO INTERVENE

First and foremost, the City of Denton's motion to intervene should be denied because it was late-filed and asserts no good cause exception to the procedural deadline for intervention. Further, Commission Staff has already reviewed the application and recommended that the sale proceed and the deadline to request a hearing in this proceeding has already passed. Therefore, even if the City's motion were granted, its ability to actively participate in this proceeding would be minimal. For this reason alone, the motion should be denied.

Should the ALJ consider the merits of the City's motion, though, it should still be denied because the City does not assert any facts or circumstances that would affect the ALJ's determination of issues in this proceeding. Standing is limited to whether the City has a right to participate which is expressly conferred by statute, commission rule or order or other law; or (2) has or represents persons with a justiciable interest which may be adversely affected by the outcome of the proceeding. The City has asserted no right granted it by law nor a justiciable interest that may be adversely affected by the outcome of the proceeding. The issue to be determined in this proceeding is whether CSWR Texas has the financial, managerial and technical capacity to provide continuous and adequate service. Staff has already recommended that it does. The City's motion does not assert otherwise but, instead, offers several very general concerns that have either already been addressed by Staff in its recommendation—whether the purchase could impact neighboring utilities, whether Patterson is in compliance with applicable regulations—or would normally be addressed after the STM proceeding is completed—whether CSWR Texas should enter into an agreement to receive wastewater from outside the City, whether a Groundwater Availability Certification is necessary, and whether improvements need to be made to certain wells in the future. Because Staff has already addressed the City's substantive concerns that relate to this proceeding and because the City's ancillary concerns related to post-acquisition operations can be addressed after the acquisition is complete, the City's motion should be denied.

Notwithstanding these concerns, CSWR Texas has contacted the City to better understand its concerns and has informed the City that it will commit to work with the City to address any issues that affect CSWR Texas's regulatory compliance obligations or its ability to provide adequate and continuous water and wastewater service.

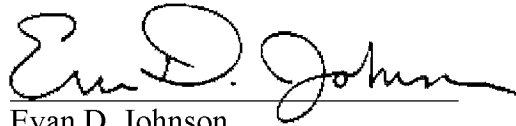
III. CONCLUSION

For these reasons, CSWR Texas respectfully requests that the ALJ deny the City of Denton's Motion to Intervene and grant the Company such other relief to which it has shown itself to be justly entitled.

Respectfully submitted,

**ATTORNEYS FOR CSWR TEXAS
UTILITY OPERATING COMPANY, LLC**

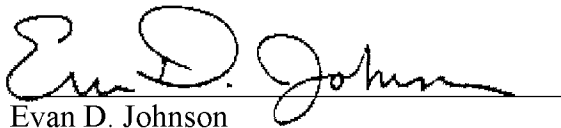
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CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of November 2022, a true and correct copy of the foregoing document was served on all parties of record via electronic mail in accordance with the Order Suspending Rules issued in Project No. 50664.



Evan D. Johnson