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DOCKET NO. 53811

COMPLAINT OF ARIZONA TRADERS	§	PUBLIC UTILITY COMMISSION
COMPANY AGAINST EL PASO WATER	§	
UTILITIES PUBLIC SERVICE BOARD	§	OF TEXAS

ORDER NO. 6
GRANTING EXTENSION AND REVISING DEADLINES

This Order addresses Commission Staff's November 10, 2022 request to extend the deadlines for John C. Gilliland, on behalf of Arizona Traders Company, to respond to Order No. 5 and for Commission Staff to file a supplemental statement of position. Commission Staff states that it is unable to formulate a supplemental statement of position because Arizona Traders, as of the date of this Order, has not responded to Order No. 5.

The administrative law judge (ALJ) grants Commission Staff's request for an extension of the deadlines established in Order No. 5. By November 29, 2022, Arizona Traders must report on its efforts to exhaust its administrative remedies with the City of El Paso or the El Paso Water Utilities Public Service Board. This is Arizona Traders' second opportunity to respond to Order No. 5 and provide the requested report on its efforts to exhaust its administrative remedies. The ALJ notes that more than three months has elapsed since the Public Service Board responded to this complaint and provided information regarding Arizona Traders' efforts to appeal the termination of its water service; therefore, unless Arizona Traders has made no additional effort to finalize its appeal of the Public Service Board's initial decision, surely, there is more to report.

Arizona Traders is reminded that until it reports that it has exhausted its administrative remedies through the City of El Paso or the El Paso Water Utilities Public Service Board, the Commission has no jurisdiction over its complaint of wrongful termination of its water service. And in this case, the Public Service Board stated that it still has jurisdiction over Arizona Traders' complaint. So, there must still be steps that Arizona Traders can take to finalize its complaint with the City of El Paso, or El Paso Water Utilities, or the Public Service Board. And, if Arizona Traders can demonstrate that it is diligently pursuing its complaint through the City of El Paso or El Paso Water Utilities, the Commission might abate this complaint again until Arizona Traders has finalized that complaint. This would give Arizona Traders additional time and eliminate the need for Arizona Traders to start from scratch in an appeal to the Commission of a negative

decision from El Paso or the El Paso Water Utilities Public Service Board. For all these reasons, the ALJ reminds Arizona Traders that failure to file a report on its efforts to finalize its complaint with the City of El Paso or the El Paso Water Utilities Public Service Board by the new deadline of November 29, 2022 leaves the Commission with no current information on Arizona Traders' efforts to exhaust its administrative remedies and could result in dismissal of the remainder of this proceeding.

By December 6, 2022, Commission Staff must file a supplemental statement of position and if appropriate, a motion to dismiss or for summary decision. No further extensions of time for Arizona Traders to respond to Order No. 5 will be granted.

Signed at Austin, Texas the 17th day of November 2022.

PUBLIC UTILITY COMMISSION OF TEXAS



SUSAN E. GOODSON
ADMINISTRATIVE LAW JUDGE