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**SOAH DOCKET NO. 473-23-12116
PUC DOCKET NO. 53815**

APPLICATION OF CORIX UTILITIES (TEXAS) INC. FOR AUTHORITY TO CHANGE RATES	§ § §	BEFORE THE STATE OFFICE OF ADMINISTRATIVE HEARINGS
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CORIX UTILITIES (TEXAS) INC. RESPONSE TO SOAH ORDER NO. 6

Corix Utilities (Texas) Inc. (“Corix” or the “Company”) files this response to SOAH Order No. 6. SOAH Order No. 6 directed the parties to file a proposed procedural schedule no later than May 3, 2023. Accordingly, this response to that order is timely filed.

As outlined in SOAH Order No. 5, Corix’s proposed rates will be considered approved and not subject to refund upon the expiration of the statutory suspension period on May 28, 2023,¹ at which point Corix’s proposed rates will take effect, subject only to the authority of the utility commission to continue a hearing in progress.² In this case, it is not feasible to commence a hearing on the merits or, for that matter, otherwise process this application in time for the Commission to set rates prior to the expiration of the suspension period on May 28, 2023. Further, an extension or waiver of the statutory deadline, either expressly or implicitly, is a right held exclusively by the utility.³ As such, no other party or the even the presiding ALJ has the authority to unilaterally extend a statutory deadline absent utility’s consent.⁴

In this case, Corix has not agreed to extend the deadline, nor has Corix expressly or implicitly waived the deadline; in fact, it has made clear throughout this proceeding its timing concerns and intention to allow rates to take effect by operation of law on May 28, 2023. Therefore, Corix objects to any procedural schedule that may be proposed by other parties to this case.

¹ SOAH Order No. 5 at 8-9 (Apr. 20, 2023).

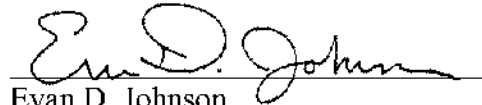
² Tex. Water Code § 13.1871(g); 16 Tex. Admin. Code (“TAC”) § 24.33(c); *see, e.g. Application of Timbercrest Partners LLC for Authority to Change Rates*, SOAH Docket No. 473-21-2237, PUC Docket No. 50197, Commission Staff’s Response to Motion to Decm Rates Approved at 2 (Sept. 29, 2022) (construing the phrase “continuing a hearing in progress” in 16 TAC § 24.33(e) as applying where a procedural schedule has been established and a date has been set for a hearing on the merits that was “agreed to and relied upon” by the applicant and Staff).

³ SOAH Docket No. 473-21-2237, PUC Docket No. 50197, SOAH Order No. 7 (Oct. 6, 2022).

⁴ *See, e.g., Application of CSWR-Texas Utility Operating Company, LLC and George Fuller, Executor of the Estate of Virginia Fuller, for Sale, Transfer, or Merger of Facilities in Lubbock County*, PUC Docket No. 53709, Order No. 8 at 1 (Jan. 7, 2023) (“The ALJ lacks the authority to modify statutory deadlines . . .”).

Rather, this case should proceed in accordance with Tex. Water Code § 13.1871(g) and 16 TAC § 24.33(e), which will result in Corix's proposed rates being deemed approved and not subject to refund effective May 28, 2023. Upon that event, the rates will be implemented and the Commission's jurisdiction over this case will expire.

Respectfully submitted,



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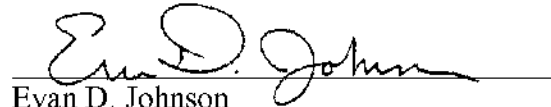
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**ATTORNEYS FOR CORIX UTILITIES
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CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of May 2023, a true and correct copy of the foregoing document was served on all parties of record via electronic mail in accordance with the Second Order Suspending Rules issued in Project No. 50664.



Evan D. Johnson