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DOCKET NO. 54017

APPLICATION OF PARK WATER	§	PUBLIC UTILITY COMMISSION
COMPANY TO EXTEND THE TIME TO	§	
FILE A RATE APPLICATION IN	§	OF TEXAS
ACCORDANCE WITH NOTICE OF	§	
APPROVAL IN DOCKET NO. 49311	§	

AGREED MOTION TO ADMIT EVIDENCE AND PROPOSED ORDER

On August 31, 2022, Park Water Company (“*Park Water*” or “*Applicant*”) filed an application for a good cause exception to 16 Texas Administrative Code (“*TAC*”) § 24.25(b)(1)(C) and ordering paragraph number eight of the Notice of Approval in Docket No. 49311,¹ which would allow Park Water an extension of time to file a rate application.

On October 4, 2022, the Administrative Law Judge issued Order No. 2, requiring the Applicant, together with Staff (“*Staff*”) of the Public Utility Commission of Texas (“*Commission*”), collectively, the “*Parties*,” to jointly file a proposed order, including proposed findings of fact, conclusions of law, and ordering paragraphs by November 30, 2022. Therefore, this pleading is timely filed.

I. Agreed Motion to Admit Evidence

The Parties request the entry of the following into the record of this proceeding:

1. The Application as filed August 31, 2022 (Interchange Item No. 1);
2. Affidavit of Park Water Attesting to Notice, filed October 28, 2022 (Interchange Item No. 5);
3. Park Water’s Proof of Published Notice as Required by Order No. 3, filed November 15, 2022 (Interchange Item No. 8);
4. Staff’s Sufficiency Recommendation regarding the Application and Notice, filed September 30, 2022 (Interchange Item No. 3); and

¹ *Application of Park Water Company to Obtain Certificates of Convenience and Necessity in Midland County*, Docket 49311, Notice of Approval (Mar. 10, 2020).

5. Staff's Sufficiency Recommendation regarding Notice, filed November 14, 2022 (Interchange Item No. 6).

II. Proposed Order

The Parties move for adoption of the attached Agreed Proposed Order, which would approve Park Water's application for a good cause exception to 16 TAC § 24.25(b)(1)(C) and ordering paragraph number eight of the Notice of Approval in Docket No. 49311, and grant Park Water an extension of the deadline to file a rate application. The Parties request that the Commission adopt the proposed findings of fact, conclusions of law, and ordering paragraphs in the Agreed Proposed Order.

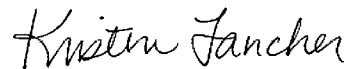
III. Conclusion

The Parties respectfully request that the Commission grant this Motion to Admit Evidence and adopt the attached Agreed Proposed Order.

Dated: November 30, 2022

Respectfully submitted,

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ATTORNEY FOR PARK WATER COMPANY

CERTIFICATE OF SERVICE

I certify that notice of the filing of this document was provided to all parties of record via electronic mail on November 30, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

A handwritten signature in black ink that reads "Kristen Fancher". The signature is written in a cursive, flowing style.

Kristen O. Fancher

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AGREED PROPOSED ORDER

This Order addresses Park Water Company’s (“*Park Water*” or “*Applicant*”) application requesting the Public Utility Commission (“*Commission*”) grant a good cause exception to the deadline to file Park Water’s rate application under 16 Texas Administrative Code (“*TAC*”) § 24.25(b)(1)(C) and ordering paragraph number eight of the Notice of Approval in Docket No. 49311.¹ The Commission grants the good cause exception to Park Water’s deadline to the extent provided in this Order and extends the deadline for Park Water to file a rate application under 16 TAC § 24.25(b)(1)(C) and ordering paragraph number eight of the Notice of Approval in Docket No. 49311 until February 22, 2023.

I. Findings of Fact

The Commission makes the following findings of fact.

Applicant

1. Park Water is a Texas for-profit corporation registered with the Texas Secretary of State under file number 0802526497.
2. Park Water is a retail public utility holding CCN No. 13278, which obligates Park Water to provide retail water service in its certificated service area in Midland County, Texas.

¹ *Application of Park Water Company to Obtain Certificates of Convenience and Necessity in Midland County*, Docket 49311, Notice of Approval (Mar. 10, 2020).

Application

3. On March 10, 2020, in Docket No. 49311, the Commission issued a Notice of Approval with ordering paragraphs requiring, among other things, that Park Water file a rate application in order to true-up the rates approved in that docket with the Commission within 18 months from the date service begins under 16 TAC § 24.25(b)(1)(C).
4. On August 31, 2022, Park Water filed an application requesting a good cause extension of Park Water's rate application filing deadline under 16 TAC § 24.25(b)(1)(C) and under ordering paragraph number eight of the Notice of Approval in Docket No. 49311.
5. The application requests that Park Water's existing rate-filing deadline be extended by six months to February 22, 2023.
6. On September 30, 2022, Commission Staff filed its recommendation on the application supporting Park Water's request for a good-cause waiver to extend the 18-month deadline for Park Water to file a rate application to no later than February 22, 2023.
7. In Order No. 2, issued October 4, 2022, the Administrative Law Judge ("*ALJ*") deemed the Application administratively complete.

Notice

8. On October 28, 2022, Park Water filed an affidavit of Jason Bethke, CEO of Park Water, attesting that notice was provided to ratepayers by including notice with bills mailed to customers; to Office Of Public Utility Counsel by USPS mail; and via publication scheduled in the *Midland Reporter-Telegram*. No intervenors exist from Docket No. 49311.
9. On November 15, 2022, Park Water filed proof of publication, including a publisher's affidavit attesting to the publication of notice in the *Midland Reporter-Telegram*, a newspaper of general circulation in Midland County, Texas.

10. In Order No. 4, issued November 16, 2022, the ALJ found the notice sufficient.

Evidentiary Record

11. On November 30, 2022, the parties filed an agreed motion to admit evidence and order.

12. In Order No. 5 filed on December ___, 2022, the ALJ admitted the following evidence into the record of this proceeding: (a) the Application as filed August 31, 2022; (b) the Affidavit of Park Water Attesting to Notice, filed October 28, 2022; (c) Park Water's Proof of Published Notice as Required by Order No. 3, filed November 15, 2022; (d) Commission Staff's Sufficiency Recommendation regarding the Application and Notice, filed September 30, 2022; and (e) Commission Staff's Sufficiency Recommendation regarding Notice, filed November 14, 2022.

Good-Cause Exception

13. Based on continued customer growth beyond the test year and in order to ensure the most accurate and up-to-date information is used for the true-up of rates, there is good cause to extend the deadline under 16 TAC § 24.25(b)(1)(C) and under ordering paragraph number eight of the Notice of Approval in Docket No. 49311 by which Park Water must file a rate application to no later than February 22, 2023.

Informal Disposition

14. More than 15 days have passed since the completion of notice provided in this Docket.

15. No person filed a protest or motion to intervene.

16. Commission Staff and Park Water are the only parties to this proceeding.

17. No party requested a hearing, and no hearing is needed.

18. Commission Staff recommended approval of the Application.

19. This decision is not adverse to any party.

II. Conclusions of Law

The Commission makes the following conclusions of law.

1. The Commission has authority over the Application under Texas Water Code (“*TWC*”) § 13.041 and 16 TAC § 24.25(b)(1)(C).
2. Park Water is a retail public utility as defined in TWC § 13.002(19) and 16 TAC § 24.3(31).
3. The Commission processed the Application in accordance with the requirements of the Administrative Procedures Act, the TWC, and Commission rules.
4. Notice of the Application complies with 16 TAC § 22.55.
5. Good cause exists to extend the deadline under 16 TAC § 24.25(b)(1)(C) and under ordering paragraph number eight of the Notice of Approval in Docket No. 49311 by which Park Water must file a rate application to no later than February 22, 2023.
6. The requirements for informal disposition under 16 TAC § 22.35 have been met in this proceeding.

III. Ordering Paragraphs

In accordance with these findings of fact and conclusion of law, the Commission issues the following orders:

1. The Commission grants the good cause exception to Park Water’s rate application filing deadline to the extent provided in this Order.
2. Park Water must file a rate application on or before February 22, 2023, in order to true-up rates with the Commission under 16 TAC § 24.25(b)(1)(C) and under ordering paragraph number eight of the Notice of Approval in Docket No. 49311.
3. The Commission denies all other motions and any other requests for general or specific relief that have not been expressly granted.

Signed at Austin, Texas the _____ day of _____ 2022.

PUBLIC UTILITY COMMISSION OF TEXAS

**ISAAC TA
ADMINISTRATIVE LAW JUDGE**