



## Filing Receipt

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**DOCKET NO. 54147**

<b>APPLICATION OF ROLLING V RANCH</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>WATER CONTROL AND</b>	<b>§</b>	
<b>IMPROVEMENT DISTRICT NO. 3 OF</b>	<b>§</b>	<b>OF TEXAS</b>
<b>WISE COUNTY FOR A CERTIFICATE</b>	<b>§</b>	
<b>OF CONVENIENCE AND NECESSITY</b>	<b>§</b>	
<b>AND FOR DUAL CERTIFICATION WITH</b>	<b>§</b>	
<b>THE CITY OF RHOME IN WISE</b>	<b>§</b>	
<b>COUNTY</b>	<b>§</b>	

**COMMISSION STAFF'S RESPONSE TO ORDER NO. 4**

On September 23, 2022, Rolling V Water Control and Improvement District No. 3 (Rolling V WCID) filed an application to obtain a water certificate of convenience and necessity (CCN) and for dual certification with the City of Rhome in Wise County. Rolling B WCID No. 3 filed supplemental information on November 4, 2022.

On November 22, 2022, the administrative law judge (ALJ) filed Order No. 4, directing the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a response to the motion for a good cause exception by December 5, 2022. Therefore, this pleading is timely filed.

**I. RESPONSE TO ORDER NO. 4**

On November 21, 2022, Rolling V WCID requested a good cause exception from the requirements of 16 Texas Administrative Code (TAC) § 24.11(e)(4)(B)(i). Staff has reviewed the financial statements submitted by Rolling V WCID and, as detailed in the attached memorandum of Fred Bednarski of the Commission's Rate Regulation Division, Staff recommends that these financial statements satisfy the criteria outlined in 16 TAC § 24.11(e)(4)(B)(i) and that the good cause exception requested by Rolling V WCID be granted if the ALJ determines that these financial statements may be replaced for the audited financial statements as required by 16 TAC § 24.11(e)(4)(C).

**II. CONCLUSION**

For the reasons discussed above, Staff respectfully requests the issuance of an order consistent with the above mentioned recommendation.

Dated: December 5, 2022

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

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**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 December 5, 2022 in accordance with the Second Order Suspending Rules, issued in Project No. 50664.

/s/ Forrest Smith  
Forrest Smith

# *Public Utility Commission of Texas*

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## **Memorandum**

**TO:** Forrest Smith  
Legal Division

**FROM:** Fred Bednarski  
Rate Regulation Division

**DATE:** December 5, 2022

**RE:** Docket No. 54147 – *Application of Rolling V Water Control and Improvement District No. 3 of Wise County to Obtain a Water Certificate of Convenience and Necessity and for Dual Certification with the City of Rhome in Wise County*

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On September 23, 2022, Rolling V Water Control and Improvement District No. 3 of Wise County (Rolling V WCID No. 3) filed an application to obtain a water Certificate of Convenience and Necessity and for dual certification with the City of Rhome in Wise County under Subchapter G of Texas Water Code Chapter 13.

On November 22, 2022, the ALJ requested Staff to file a response to the motion for good cause exception, and among other things, for Commission Staff to analyze whether the financial documents provided by Rolling V WCID No. 3 on November 21, 2022, satisfy the criteria of 16 TAC § 24.11(e)(4)(B)(ii) or (iii).

Based on my review of Rolling V WCID No. 3's financial statements provided as of April 30, 2022, I determined that the statements satisfy the criteria of 16 TAC § 24.11(e)(4)(B)(ii). In response to Rolling V WCID No. 3's request for a good cause exception I opine that the good cause exception should be granted if the ALJ determines the financial statements provided on November 21, 2022, can be substituted for the audited financial statements requirement per 16 TAC § 24.11(e)(4)(B)(i) as required by 16 TAC § 24.11(e)(4)(C).