



Filing Receipt

Received - 2022-11-22 02:11:14 PM
Control Number - 54147
ItemNumber - 9

DOCKET NO. 54147

**APPLICATION OF ROLLING V RANCH §
WATER CONTROL AND §
IMPROVEMENT DISTRICT NO. 3 §
OF WISE COUNTY FOR A §
CERTIFICATE OF CONVENIENCE AND §
NECESSITY AND FOR DUAL §
CERTIFICATION WITH THE CITY OF §
RHOME IN WISE COUNTY §**

**PUBLIC UTILITY COMMISSION
OF TEXAS**

**ORDER NO. 4
REQUIRING COMMISSION STAFF RESPONSE TO
MOTION FOR GOOD CAUSE EXCEPTION**

In Order No. 3 filed on November 8, 2022, the administrative law judge (ALJ) found the application at issue in this proceeding to be administratively incomplete for, among other reasons, deficiencies related to compliance with 16 Texas Administrative Code (TAC) § 24.11. By motion filed November 21, 2022, the applicant now asks for a good cause exception from the requirements of 16 TAC § 24.11(e)(4)(B)(i)—the requirement to file an audited year-end financial statement with an unqualified opinion of the auditor. The applicant attached to the motion a number of financial documents which, it contends, adequately demonstrate its financial wherewithal in lieu of such a financial statement.

Without ruling on the merits motion at this time, the ALJ notes that no applicant is *required* to file an audited year-end financial statement that meets the standards of 16 TAC § 24.11(e)(4)(B)(i). Rather, such a statement is only one of *three* types of documentation an applicant may file in order to pass the leverage and operations tests as specified in 16 TAC § 24.11(e)(4)(B)(i) through (iii). Nevertheless, the ALJ would benefit from having Commission Staff respond to the applicant's motion. Therefore, by December 5, 2023, Commission Staff must file a response to the motion for a good cause exception. Among other things, Commission Staff must analyze whether the financial documents attached to the motion satisfy the criteria of 16 TAC § 24.11(e)(4)(B)(ii) or (iii).

Signed at Austin, Texas the 22nd day of November 2022.

PUBLIC UTILITY COMMISSION OF TEXAS

A handwritten signature in black ink, appearing to read 'HB', is written over a horizontal line.

**HUNTER BURKHALTER
CHIEF ADMINISTRATIVE LAW JUDGE**