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DOCKET NO. 54393

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| APPLICATION OF CSWR-TEXAS | § | |
| UTILITY OPERATING COMPANY, LLC | § | |
| AND INTERMEDIARY SOLUTIONS | § | PUBLIC UTILITY COMMISSION |
| HOLDING LLC FOR THE SALE, | § | |
| TRANSFER, OR MERGER OF | § | OF TEXAS |
| FACILITIES AND CERTIFICATE | § | |
| RIGHTS IN LUBBOCK COUNTY | § | |

**REQUEST FOR CLARIFICATION AND EXTENSION OF TIME
TO FILE PROCEDURAL SCHEDULE**

CSWR-Texas Utility Operating Company, LLC (CSWR-Texas) files this Request for Clarification and Extension of Time to File Procedural Schedule. Staff of the Public Utility Commission of Texas (Staff/Commission) is unopposed to the Request for Extension of Time.

I. BACKGROUND AND REQUEST FOR CLARIFICATION

On September 14, 2023, the Commission issued an Interim Order Approving Sale and Transfer to Proceed. In Ordering Paragraph No. 7, the Commission noted that prior to final approval of the transaction, CSWR-Texas must file a capital improvements plan.

CSWR-Texas respectfully requests that the Administrative Law Judge (ALJ) clarify what is required for CSWR-Texas to provide in response to the Commission’s Interim Order. In Finding of Fact No. 50, the Commission found that CSWR-Texas has filed a partial capital improvements plan. The partial plan includes an itemized budget, the total cost of necessary capital improvements, and an estimated timeline for repairs. Therefore, CSWR-Texas contends that the only item missing from the capital improvement plan is a map keyed to the facilities. CSWR-Texas bases this contention not only on the language of the order but also on the discussion by Chairman Jackson at the September 14, 2023 open meeting.

The Commission’s Interim Order found that a budget and an estimated timeline for construction had already been provided.¹ Additionally, at the Open Meeting, Chairman Jackson stated, “CSR-Texas (sic) filings collectively address the capital improvement plan requirements for a budget, a time line, but do not meet the requirement for a map key[ed] to the budget and

¹ Interim Order at Finding of Fact No. 50.

timeline as required by 16 TAC 24.233(a)(6).”² Based on the statement by Chairman Jackson and the confirmation of that statement in the Interim Order at Finding of Fact No. 50, CSWR-Texas anticipates filing a map showing the facilities that need improvement or replacement, keyed to the budget and timeline previously provided.

Upon information and belief, Staff has interpreted the Commission’s Interim Order as requiring additional documentation beyond the map. Therefore, CSWR-Texas respectfully requests that the ALJ clarify what is expected in CSWR-Texas’s filing to address the deficiency noted in the Interim Order.

II. PROPOSED PROCEDURAL SCHEDULE

CSWR-Texas’s mapping consultants have been working with Staff to develop a map. As of today, they have not been able to determine what that map should look like. However, they continue to work on developing a solution. Additionally, until there is clarification as to whether the filing in response to the Interim Order should include anything in addition to a map, the parties are unable to provide a proposed procedural schedule. Therefore, CSWR-Texas and Staff propose that the ALJ extend the deadline to file a proposed procedural schedule until one week after the ALJ issues an order clarifying the Interim Order requirements.

III. CONCLUSION

CSWR-Texas respectfully requests that the Commission grant Request for Clarification and Extension of Time to File the Proposed Procedural Schedule.

Respectfully submitted,

**ATTORNEYS FOR CSWR-TEXAS
UTILITY OPERATING COMPANY, LLC**

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² Exhibit A at 13:6-10 (September 14, 2023 Open Meeting Transcript) (pages refer to Kennedy Reporting page numbers).



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CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of September 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 filed in Project No. 50664.



Wendy K. L. Harvel

TRANSCRIPT OF PROCEEDINGS
BEFORE THE
PUBLIC UTILITY COMMISSION OF TEXAS
AUSTIN, TEXAS

OPEN MEETING
THURSDAY, SEPTEMBER 14, 2023

BE IT REMEMBERED THAT AT approximately 9:30 a.m., on Thursday, the 14th day of September 2023, the above-entitled matter came on for hearing at the Public Utility Commission of Texas, 1701 North Congress Avenue, William B. Travis Building, Austin, Texas, Commissioners' Hearing Room, before KATHLEEN JACKSON, INTERIM CHAIRMAN; LORI COBOS, WILL McADAMS, and JIMMY GLOTFELTY, COMMISSIONERS; and the following proceedings were reported by computerized stenotype machine by Lorrie A. Schnoor and Mary Carol Griffin, Certified Shorthand Reporters.

| TABLE OF CONTENTS | |
|-------------------|------|
| | PAGE |
| 1 | |
| 2 | |
| 3 | 10 |
| 4 | |
| 5 | 10 |
| 6 | |
| 7 | |
| 8 | |
| 9 | |
| 10 | |
| 11 | |
| 12 | |
| 13 | |
| 14 | |
| 15 | 12 |
| 16 | |
| 17 | |
| 18 | |
| 19 | |
| 20 | |
| 21 | |
| 22 | |
| 23 | |
| 24 | 14 |
| 25 | |

1 Additionally, Item 4 will not be taken up.

2 Item No. 2 was consented.

3 Next up is Item No. 3. Shelah, will you
4 please lay out this item.

5 AGENDA ITEM NO. 3

6 DOCKET NO. 54393 - APPLICATION OF CSWR-TEXAS
7 UTILITY OPERATING COMPANY, LLC AND INTERMEDIARY
8 SOLUTIONS HOLDING LLC FOR SALE, TRANSFER, OR
9 MERGER OF FACILITIES AND CERTIFICATE RIGHTS
10 IN LUBBOCK COUNTY

11 MS. CISNEROS: Yes, ma'am. Item No. 3 is
12 Docket No. 54393. This is the application of CSWR-Texas
13 Utility Operating Company and Intermediary Solutions for
14 the sale, transfer, or merger of facilities and
15 certificate rights in Lubbock County.

16 Before you is a proposed interim order,
17 CSWR filed exceptions to the proposed interim order, the
18 ALJ filed a memo declining to make the changes to the
19 proposed order, and Commissioner Jackson filed a memo in
20 this docket.

21 CHAIRMAN JACKSON: Thank you.

22 I filed a memo. I'd like to discuss
23 several issues regarding capital improvement plans under
24 statute and Commission rule.

25 In the proposed interim order, the
Commission Administrative Law Judge required that
CSWR-Texas file a capital improvement plan before final

1 approval (sic) of the transaction could be granted.

2 CSWR-Texas provided a third-party's
3 engineer's preliminary itemized list of repairs and the
4 estimated cost, the total cost of necessary capital
5 improvements and a timeline for prepare -- repairs.

6 CSR-Texas (sic) filings collectively
7 address the capital improvement plan requirements for a
8 budget, a time line, but do not meet the requirement for
9 a map key to the budget and timeline as required by 16
10 TAC 24.233(a)(6). Therefore, I recommend that the
11 Commission make the following changes to the proposed
12 interim order as described in my memo so as to be in
13 compliance with both statute and Commission rules.

14 So any thoughts on this?

15 COMM. McADAMS: Yeah, Madam Chair, I agree
16 with your memo. I would move that we adopt the proposed
17 interim order as amended by your memo.

18 CHAIRMAN JACKSON: Okay. Thank you.

19 COMM. COBOS: I would second.

20 CHAIRMAN JACKSON: Okay. I have a motion
21 and a second to adopt the proposed interim order,
22 including modifications consistent with my memo. All in
23 favor say aye.

24 (All those in favor so responded).

25 CHAIRMAN JACKSON: Motion passes.

1 C E R T I F I C A T E

2 STATE OF TEXAS)

3 COUNTY OF TRAVIS)

4 We, Lorrie A. Schnoor and Mary Carol Griffin,
5 Certified Shorthand Reporters in and for the State of
6 Texas, do hereby certify that the above-mentioned matter
7 occurred as hereinbefore set out.

8 We FURTHER CERTIFY THAT the proceedings of such
9 were reported by us or under our supervision, later
10 reduced to typewritten form under our supervision and
11 control, and that the foregoing pages are a full, true,
12 and correct transcription of the original notes.

13 IN WITNESS WHEREOF, we have hereunto set our
14 hand and seal this 15th day of September, 2023.

15
16
17 LORRIE A. SCHNOOR, RDR, CRR, TCRR
Certified Shorthand Reporter
CSR No. 4642 - Expires 1/31/24

18 *Mary Carol Griffin*

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