



## **Filing Receipt**

**Filing Date - 2023-05-11 02:24:59 PM**

**Control Number - 54464**

**Item Number - 14**

**DOCKET NO. 54464**

<b>APPLICATION OF ORANGE COUNTY</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>WATER CONTROL &amp; IMPROVEMENT</b>	<b>§</b>	
<b>DISTRICT NO 1 TO AMEND ITS</b>	<b>§</b>	<b>OF TEXAS</b>
<b>CERTIFICATES OF CONVENIENCE</b>	<b>§</b>	
<b>AND NECESSITY IN ORANGE COUNTY</b>	<b>§</b>	

**ORANGE COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 1'S  
SUPPLEMENTAL FILING TO ITS PETITION TO AMEND ITS CERTIFICATES OF  
CONVENIENCE AND NECESSITY IN ORANGE COUNTY**

COMES NOW, Orange County Water Control and Improvement District No. 1 (Applicant) files this Supplemental Filing to its Petition to Amend its Certificates of Convenience and necessity and would show the following:

**I. BACKGROUND**

Applicant filed an application to amend its certificates of convenience and necessity in Orange County. On January 13, 2023, the Administrative Law Judge (ALJ) issued Order No. 2 finding the application was administratively incomplete, establishing deadlines and opportunity to cure. ALJ ordered Applicant to cure the deficiencies by Monday, February 13, 2023. Thereafter, on February 10, 2023 the ALJ issued Order No. 3 granting Applicant's request for an extension to cure the deficiencies. On May 1, 2023, ALJ issued order No. 5 finding the application administratively incomplete and establishing deadlines and opportunity to cure.

**II. SUPPLEMENTAL BRIEFING**

Initially, Applicant filed a petition to amend its Certificates of Convenience and Necessity (CCN) in order to eliminate pockets inside its CCN that were still classified as being operated by Lexington Water Systems, Inc. However, after the petition was filed, Commission Staff recommended Applicant file a Sale, Transfer, Merger Application (STM) to cure the deficiencies. Therefore, Applicant filed a Supplemental Brief with a STM Application for Lexington Water Systems, Inc.

Further, Applicant entered into a transaction in 1995 whereby the Applicant purchased numerous water systems, including but not limited to, Lexington Water Systems, Inc. System. Per request by

Commission Staff, Applicant has obtained a ratification document of the sale and the Oath of the Transferor and the Transferee. *See Exhibit A*

### **III. CONCLUSION**

Applicant respectfully requests the ALJ find its Petition administratively complete now that the correct application has been submitted with supporting documentation.

Dated: May 11, 2023

Respectfully submitted,

**GERMER PLLC**  
P.O. Box 4915  
Beaumont, Texas 77704  
(409) 654-6700 – Telephone  
(409) 835-2115 – Facsimile

A handwritten signature in black ink, appearing to read "Kate K. Leverett", written in a cursive style.

**Kate K. Leverett**  
State Bar No. 24083292  
kleverett@germer.com – Email

**COUNSEL FOR THE APPLICANT**

## Exhibit A

**RATIFICATION OF THE  
PURCHASE AGREEMENT BETWEEN ORANGE COUNTY WATER CONTROL AND  
IMPROVEMENT DISTRICT NO. 1 AND LEXINGTON WATER SYSTEMS, INC.**

This Ratification of the Purchase Agreement (this "Agreement") is made and entered into the \_\_\_\_ day of April, 2023 by and Lexington Water Systems, Inc. (hereinafter "Seller") and Orange County Water Control and Improvement District No. 1 (hereinafter "Purchaser").

**RECITALS:**

WHEREAS, Seller and Purchaser entered into a Purchase Agreement on October 17, 1995, wherein Seller agreed to sell to Purchaser, and Purchaser agreed to purchase a private water utility system; and

WHEREAS, the Purchase Agreement dated October 17, 1995 was executed by Purchaser and Seller and Purchaser agreed to begin operating the private water utility system; and

WHEREAS, the on the Public Utility Commission of Texas ("PUCT") data mapping website, the area purchased by Purchaser in 1995 still shows that it is owned by Seller; and

WHEREAS, Purchaser and Seller agree the PUCT data mapping website needs to properly reflect the area as being operated by Purchaser and therefore has filed a sale, transfer, merger application ("STM") with the PUCT; and

WHEREAS, as part of the STM the PUCT requested ratification of the sale between Purchaser and Seller.

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. The Seller and Purchaser ratify all terms and conditions as set forth in that certain Purchase Agreement dated October 17, 1995.

This Agreement is executed as of the 11 day of April, 2023.

**SELLER:**

**Lexington Water Systems, Inc.**

By: \_\_\_\_\_  
Frank Hodges, Jr. President

**PURCHASER:**

**Orange County Water Control and Improvement District No. 1**

By:   
Frank Inzer, President

**Oath for Transferee (Acquiring Entity)**

STATE OF TEXAS

COUNTY OF ORANGE

I, FRANK INZER being duly sworn, file this application for sale, transfer, merger, consolidation, acquisition, lease, or rental, as FRANK INZER  
(owner, member of partnership, title as officer of corporation, or authorized representative)

I attest that, in such capacity, I am qualified and authorized to file and verify such application, am personally familiar with the documents filed with this application, and have complied with all the requirements contained in the application; and, that all such statements made and matters set forth therein with respect to Applicant are true and correct. Statements about other parties are made on information and belief. I further state that the application is made in good faith and that this application does not duplicate any filing presently before the Commission.

I further state that I have been provided with a copy of the 16 TAC § 24.239 Commission rules. I am also authorized to agree and do agree to be bound by and comply with any outstanding enforcement orders of the Texas Commission on Environmental Quality, the Public Utility Commission of Texas or the Attorney General which have been issued to the system or facilities being acquired and recognize that I will be subject to administrative penalties or other enforcement actions if I do not comply.

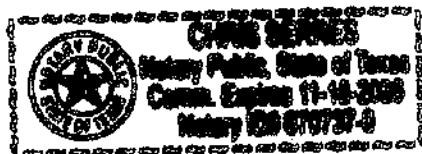
[Signature]

**AFFLIANT**  
(Utility's Authorized Representative)

If the Affiant to this form is any person other than the sole owner, partner, officer of the Applicant, or its attorney, a properly verified Power of Attorney must be enclosed.

SUBSCRIBED AND SWORN BEFORE ME, a Notary Public in and for the State of Texas  
this day the 11 of April, 2023

SEAL



Chris Serres

**NOTARY PUBLIC IN AND FOR THE  
STATE OF TEXAS**

CHRIS SERRES

**PRINT OR TYPE NAME OF NOTARY**

My commission expires: 11-18-2026

This Ratification of the Purchase Agreement (this "Agreement") is made and entered into the \_\_\_\_ day of April, 2023 by and Lexington Water Systems, Inc. (hereinafter "Seller") and Orange County Water Control and Improvement District No. 1 (hereinafter "Purchaser").

**RECITALS:**

WHEREAS, Seller and Purchaser entered into a Purchase Agreement on October 17, 1995, wherein Seller agreed to sell to Purchaser, and Purchaser agreed to purchase a private water utility system; and

WHEREAS, the Purchase Agreement dated October 17, 1995 was executed by Purchaser and Seller and Purchaser agreed to begin operating the private water utility system; and

WHEREAS, the on the Public Utility Commission of Texas ("PUCT") data mapping website, the area purchased by Purchaser in 1995 still shows that it is owned by Seller; and

WHEREAS, Purchaser and Seller agree the PUCT data mapping website needs to properly reflect the area as being operated by Purchaser and therefore has filed a sale, transfer, merger application ("STM") with the PUCT; and

WHEREAS, as part of the STM the PUCT requested ratification of the sale between Purchaser and Seller.

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. The Seller and Purchaser ratify all terms and conditions as set forth in that certain Purchase Agreement dated October 17, 1995.

This Agreement is executed as of the \_\_\_\_ day of April, 2023.

**SELLER:**

**Lexington Water Systems, Inc.**

By: Frank Hodges, Jr.  
Frank Hodges, Jr. President

**PURCHASER:**

**Orange County Water Control and Improvement District No. 1**

By: \_\_\_\_\_  
Frank Inzer, President

I, \_\_\_\_\_ being duly sworn, file this application for sale, transfer, merger, consolidation, acquisition, lease, or rental, as \_\_\_\_\_

(owner, member of partnership, title as officer of corporation, or authorized representative)

I attest that, in such capacity, I am qualified and authorized to file and verify such application, am personally familiar with the documents filed with this application, and have complied with all the requirements contained in the application; and, that all such statements made and matters set forth therein with respect to Applicant are true and correct. Statements about other parties are made on information and belief. I further state that the application is made in good faith and that this application does not duplicate any filing presently before the Commission.

I further state that I have been provided with a copy of the 16 TAC § 24.239 Commission rules. I am also authorized to agree and do agree to be bound by and comply with any outstanding enforcement orders of the Texas Commission on Environmental Quality, the Public Utility Commission of Texas or the Attorney General which have been issued to the system or facilities being acquired and recognize that I will be subject to administrative penalties or other enforcement actions if I do not comply.

Frank J. Hager

AFFIANT

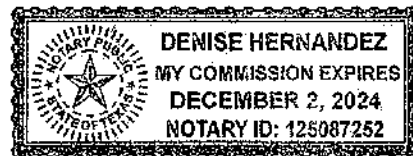
(Utility's Authorized Representative)

If the Affiant to this form is any person other than the sole owner, partner, officer of the Applicant, or its attorney, a properly verified Power of Attorney must be enclosed.

SUBSCRIBED AND SWORN BEFORE ME, a Notary Public in and for the State of Texas

this day the 20 of April, 20 23

SEAL



Denise Hernandez  
NOTARY PUBLIC IN AND FOR THE  
STATE OF TEXAS

Denise Hernandez  
PRINT OR TYPE NAME OF NOTARY

My commission expires:

12-2-2024