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APPLICATION OF DRIFTWOOD	§	PUBLIC UTILITY COMMISSION
WATER CONSERVATION, LLC FOR	§	
AN EXEMPT UTILITY	§	OF TEXAS
REGISTRATION	§	

**JOINT MOTION TO ADMIT EVIDENCE AND JOINT PROPOSED NOTICE OF
APPROVAL**

On May 22, 2023, Driftwood Water Conservation, LLC (Driftwood) filed an application for an exempt utility registration in accordance with Texas Water Code § 13.242(c) and 16 Texas Administrative Code (TAC) § 24.229(e). Driftwood filed supplemental information on July 27, 2023, August 24, 2023, September 12, 2023, October 30, 2023, and December 22, 2023.

On November 27, 2023, the administrative law judge (ALJ) filed Order No. 6, directing the Staff (Staff) of the Public Utility Commission of Texas (Commission) and Driftwood (the Parties) to file a joint proposed notice of approval, including findings of fact, conclusions of law, and ordering paragraphs by January 24, 2024. Therefore, this pleading is timely filed.

I. MOTION TO ADMIT EVIDENCE

The Parties respectfully request the following evidence be admitted into the record:

- A. Driftwood's Application for Exempt Utility Registration, filed on May 22, 2023 (Interchange Item No. 1);
- B. Driftwood's Response to Order No. 2, filed on July 27, 2023 (Interchange Item No. 5);
- C. Driftwood's Application resubmission, filed on August 24, 2023 (Interchange Item No. 80);
- D. Staff's Recommendation on Administrative Completeness, filed on September 5, 2023 (Interchange Item No. 9);
- E. Driftwood's supplemental filing, filed on September 12, 2023 (Interchange Item No. 11);
- F. Driftwood's supplemental filing, filed on October 30, 2023 (Interchange Item No. 14);
- G. Staff's Recommendation on Sufficiency of Notice, filed on November 21, 2023 (Interchange Item No. 15);
- H. Driftwood's Updated Tariff, filed on December 22, 2023 (Interchange Item No. 17);
- I. Driftwood's Consent Form, filed on December 22, 2023 (Interchange Item No. 18); and
- J. Staff's Final Recommendation, filed on January 10, 2023 (Interchange Item No. 19).

II. JOINT PROPOSED ORDER

The Parties respectfully request that the ALJ adopt the Joint Proposed Order, attached hereto and incorporated herein as Attachment A, which would grant the Petitioners' request for approval of an exempt utility registration.

III. CONCLUSION AND PRAYER

The Parties respectfully request that the above items in Section I be admitted into evidence, and that the findings of fact, conclusions of law, and ordering paragraphs from the attached Joint Proposed Notice of Approval be adopted.

Respectfully submitted,

DRIFTWOOD WATER CONSERVATION, LLC

/s/ Victoria Cox

Victoria Cox
Authorized Representative
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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 January 24, 2024, in accordance with the Second Order Suspending Rules, filed in Project No. 50664.

/s/ Kevin Pierce
Kevin Pierce

Attachment A

Joint Proposed Order

DOCKET NO. 55028

APPLICATION OF DRIFTWOOD	§	PUBLIC UTILITY COMMISSION
WATER CONSERVATION, LLC FOR	§	
AN EXEMPT UTILITY	§	OF TEXAS
REGISTRATION	§	

JOINT PROPOSED NOTICE OF APPROVAL

This Order addresses the application of Driftwood Water Conservation, LLC (Driftwood) for exempt utility regulation. Commission Staff recommended approval of the application.

The administrative law judge (ALJ) adopts the following findings of fact and conclusions of law.

I. Findings of Fact

The Commission makes the following findings of fact:

Applicants

1. Driftwood is a limited liability company formed in the State of Texas under Texas Secretary of State No. 0804754749.
2. Driftwood does not currently provide service to any customers.

Application

3. On May 22, 2023, Driftwood filed an exempt utility information form seeking exempt utility registration.
4. On July 27, 2023 and August 24, 2023, Driftwood filed supplemental information to the application.
5. On September 5, 2023, Commission Staff recommended the application as supplemented be found administratively complete.
6. In Order No. 4, filed on September 6, 2023, the Administrative Law Judge (ALJ) found the application administratively complete.

Notice

7. On September 12, 2023, Driftwood filed an affidavit attesting to notice being published.
8. On October 30, 2023, Driftwood clarified that there were no affected customers to which notice needed to be provided.
9. In Order No. 6, filed on November 27, 2023, the ALJ found notice sufficient.

Evidentiary Record

10. On January 24, 2024, Commission Staff filed a motion to admit evidence on behalf of the parties.
11. In Order No. ___, filed on ___, 2024, the ALJ admitted the following evidence into the record of this proceeding:
 1. **Driftwood's Application for Exempt Utility Registration, filed on May 22, 2023 (Interchange Item No. 1);**
 2. **Driftwood's Response to Order No. 2, filed on July 27, 2023 (Interchange Item No. 5);**
 3. **Driftwood's Application resubmission, filed on August 24, 2023 (Interchange Item No. 80;**
 4. **Staff's Recommendation on Administrative Completeness, filed on September 5, 2023 (Interchange Item No. 9);**
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 9. **Driftwood's Consent Form, filed on December 22, 2023 (Interchange Item No. 18); and**
 10. **Staff's Final Recommendation, filed on January 10, 2023 (Interchange Item No. 19).**

Effect on Customers

12. There are no affected customers.

Certificated Not Required

13. The water utility at issue in this proceeding has less than 15 potential service connections.

14. The water utility at issue in this proceeding is not owned by or affiliated with a retail public water utility or any other provider of potable water service.
15. The service area of the water utility at issue in this proceeding is not within the certificated area of another retail public water utility.
16. The service area of the water utility at issue in this proceeding is not within the corporate boundaries of a district or municipality.

Tariffs and Maps

17. On January 10, 2024, Commission Staff filed a proposed tariff and map attached to its final recommendation.
18. On December 22, 2023, Driftwood filed a consent form concurring with the tariff and maps as prepared by Commission Staff.

Informal Disposition

19. At least 15 days have passed since the completion of notice provided in this proceeding.
20. Commission Staff and Driftwood are the only parties to this proceeding.
21. No protests or motions to intervene were filed.
22. No party requested a hearing and no hearing is necessary.
23. Commission Staff recommended approval of the application.
24. 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 Petition under TWC §§ 13.041, 13.250, 13.242(c), and 16 TAC § 24.229(e).
2. Driftwood is an exempt utility under 16 TAC § 24.299(e).
3. The Commission processed the application in accordance with the requirements of the Administrative Procedure Act, the TWC, and Commission Rules.
4. Driftwood is not required to obtain a certificate of convenience and necessity to provide water service under TWC § 13.242(c) and 16 TAC § 24.229(e).
5. Driftwood's application was processed in accordance with the requirements of TWC § 13.242(c) and 16 TAC § 24.229(e).

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 conclusions of law, the Commission issues the following orders:

1. The Commission approves the application, to the extent provided in this Notice of approval.
2. The Commission issues exempt utility registration number N0084 to Driftwood for water service in Hays County as shown on the map attached to this Notice of Approval.
3. The tariff submitted by Commission Staff on January 10, 2024 is approved.
4. Driftwood must comply with the service rule requirements in the Commissions Exempt Utility Tariff Form.
5. Driftwood must provide a copy of the exempt utility tariff for exempt utility registration number N0084 to each future customer at the time service is requested and upon request to each current customer.
6. Driftwood must maintain a current copy of the exempt utility tariff approved in this Notice at its business location.
7. Driftwood may not change the rates charged under exempt utility registration number N0084 unless the procedures outlined in 16 TAC § 24.22(e)(7)(B) are followed.
8. Driftwood must not cease operations under exempt utility registration number N0084 unless it obtains written authorization from the Commission.
9. Within 10 days of the date of this Notice of Approval, Commission Staff must provide a clean copy of the approved exempt utility water tariff to Central Records to be marked *Approved* and filed in the Commission's tariff books.
10. 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 _____, 2024.

PUBLIC UTILITY COMMISSION OF TEXAS

ADMINISTRATIVE LAW JUDGE