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PUC DOCKET NO. 55304

APPLICATION OF TEXAS WATER	§	PUBLIC UTILITY COMMISSION
UTILITIES, LP AND SWWC UTILITIES,	§	
INC. D/B/A HORNSBY BEND UTILITY	§	OF TEXAS
COMPANY, INC. FOR SALE,	§	
TRANSFER, OR MERGER OF	§	
FACILITIES AND CERTIFICATE	§	
RIGHTS IN TRAVIS COUNTY	§	

**OFFICE OF PUBLIC UTILITY COUNSEL'S
MOTION TO ABATE**

The Office of Public Utility Counsel (“OPUC”) file this Motion to Abate the proceedings in this docket. In support thereof, OPUC would show the Public Utility Commission of Texas (“Commission”) the following:

On July 31, 2023, SWWC Utilities, Inc. d/b/a Hornsby Bend Utility Company, Inc. (“Hornsby Bend”) and Texas Water Utilities, LP’s (“Texas Water”) (collectively, “Applicants”) filed an application for approval of the sale, transfer, or merger of facilities and certificate rights in Travis County. The Applicants request Commission approval to charge existing filed rates for another water or sewer system owned by Texas Water to customers in Hornsby Bend under Texas Water Code (“TWC”) § 13.3011. The application states that Applicants are both wholly-owned subsidiaries of SouthWest Water Company.¹

At the Open Meeting on December 14, 2023, the Commission addressed threshold issues in Docket Nos. 54617² and 55157³, including whether TWC § 13.3011 can be applied to a transaction between affiliates in an application for approval of the sale, transfer, or merger of facilities and certificate rights between Texas Water and Midway Water Utilities, Inc.⁴ Midway

¹ Application of Texas Water Utilities, LP and SWWC Utilities, Inc. d/b/a Hornsby Bend Utility Company, Inc. for Sale, Transfer, or Merger of Facilities and Certificate Rights in Travis County at 3 (July 31, 2023).

² *Application of Texas Water Utilities, LP and Southern Horizons Development, Inc. for Sale, Transfer, or Merger of Facilities and Certificate Rights in Liberty and Montgomery Counties*, Docket No. 54617 (pending).

³ *Application of Texas Water Utilities, LP and Midway Water Utilities, Inc. for Sale, Transfer, or Merger of Facilities and Certificate Rights in Grayson, Harris, Hill, Johnson, Montgomery, and Palo Pinto Counties*, Docket No. 55157 (pending).

⁴ *Application of Texas Water Utilities, LP and Midway Water Utilities, Inc. for Sale, Transfer, or Merger of Facilities and Certificate Rights in Grayson, Harris, Hill, Johnson, Montgomery, and Palo Pinto Counties*, Docket No. 55157, Order Requesting Briefing on Threshold Issues at 1 (Nov. 17, 2023).

Water Utilities, Inc. is also an affiliate of Texas Water as a wholly-owned subsidiary of SouthWest Water Company.⁵ The Commission delayed addressing both Docket Nos. 54617 and 55157 to allow the issues to be addressed either with or after the rulemaking in Project No. 53924,⁶ effectively abating both proceedings.

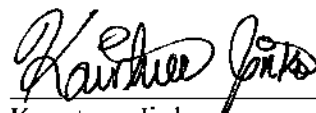
Since the Applicants and request in this application are nearly identical to the applicants and request in Docket No. 55157, the issue of whether TWC § 13.3011 can be applied to a transaction between affiliates is also presented in this application. Abating this proceeding until the threshold issues in Docket No. 55157 are addressed will conserve administrative resources and ensure consistent application of TWC § 13.3011.

For the foregoing reasons, OPUC requests that the Administrative Law Judge enter an order abating Docket No. 55304 to allow time for the Commission to address the threshold issues in Docket No. 55157.

Date: December 15, 2023

Respectfully submitted,

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⁵ *Application of Texas Water Utilities, LP and Midway Water Utilities, Inc. for Sale, Transfer, or Merger of Facilities and Certificate Rights in Grayson, Harris, Hill, Johnson, Montgomery, and Palo Pinto Counties*, Docket No. 55157, Application at 1 (Jun. 20, 2023).

⁶ December 14, 2023 Open Meeting Broadcast at minute mark 21:25 – 21:45, https://www.adminmonitor.com/tx/puct/open_meeting/20231214/; *Water And Sewer Utility Rates After Acquisition*, Project No. 53924, Proposal for Publication (Sept. 14, 2023).

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**ATTORNEYS FOR THE
OFFICE OF PUBLIC UTILITY COUNSEL**

CERTIFICATE OF SERVICE
PUC DOCKET NO. 55304

I hereby certify that a copy of the foregoing document was served on all parties of record in this proceeding on this 15th day of December 2023 by facsimile, electronic mail, and/or first class, U.S. mail.

A handwritten signature in black ink, appearing to read "Kourtnee Jinks", is written over a horizontal line.

Kourtnee Jinks