



## **Filing Receipt**

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**Item Number - 34**

**DOCKET NO. 55304**

<b>APPLICATION OF TEXAS WATER UTILITIES, L.P. AND SWWC UTILITIES, INC. DBA HORNSBY BEND UTILITY COMPANY, INC. FOR SALE, TRANSFER, OR MERGER OF FACILITIES AND CERTIFICATE RIGHTS IN TRAVIS COUNTY</b>	§ § § § § § §	<b>PUBLIC UTILITY COMMISSION  OF TEXAS</b>
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**JOINT MOTION TO UNABATE AND PROPOSED PROCEDURAL SCHEDULE**

Texas Water Utilities, L.P. (TWU), on behalf of itself and SWWC Utilities, Inc. dba Hornsby Bend Utility Company, Inc. (Hornsby Bend), the Office of Public Utility Counsel, and the Staff (Staff) of the Public Utility Commission of Texas (Commission) (collectively, Movants) file this Joint Motion to Unabate and Proposed Procedural Schedule. In support thereof, Movants show the following:

**I. BACKGROUND**

On July 31, 2022, TWU and Hornsby Bend filed an application for the sale, transfer, or merger of facilities and certificate rights in Travis County under the provisions of Texas Water Code (TWC) § 13.301 and § 13.3011 and 16 Texas Administrative Code (TAC) § 24.239. Order No. 7, issued on January 4, 2024, abated this proceeding until an order is filed by the Commission that addresses certain legal issues related to a request under TWC § 13.3011.<sup>1</sup>

**II. JOINT MOTION TO UNABATE AND PROPOSED PROCEDURAL SCHEDULE**

Contemporaneously with this pleading, TWU has filed a withdrawal of its request for initial rates under TWC § 13.3011. In light of the withdrawal of the request for initial rates, OPUC is hereby withdrawing its request for a hearing in this proceeding. With the initial rates issue under TWC § 13.3011 withdrawn and removed from this case, there is no longer a reason to keep this proceeding abated. Therefore, Movants respectfully request that this docket be unabated to allow for the continued processing of the application. In addition, the Movants propose the procedural schedule below which would allow for the entry of an order approving the sale and allowing the

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<sup>1</sup> Order No. 7 Granting Motion to Abate and Abating Proceeding (Jan. 4, 2024).

transfer to proceed by the 120-day deadline found in TWC § 13.301(a) and 16 TAC § 24.239(b) and (h).

<u>Event</u>	<u>Date</u>
Deadline for Staff to file a Revised Final Recommendation	February 15, 2024
Deadline for parties to file a joint motion to admit evidence and proposed order approving the sale and allowing the transaction to proceed	February 15, 2024
120-day deadline for the Commission to approve the sale or require a hearing	March 4, 2024 <sup>2</sup>

### III. CONCLUSION

Movants respectfully request the entry of an order unabating this proceeding and adopting the procedural schedule proposed above. Movants also request any further relief to which they have shown themselves justly entitled.

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<sup>2</sup> Notice of the application was provided on November 3, 2023. *See* TWU Proof of Notice at Affidavit of Notice (Nov. 9, 2023). The 120th day after November 3, 2023 is March 2, 2024. The Commission is not open for business on March 2, 2024, so the deadline moves to the next business day under 16 TAC § 22.4(a).

Respectfully submitted,

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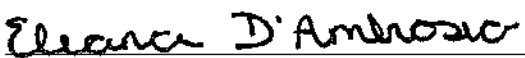
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**ATTORNEYS FOR TEXAS WATER  
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**CERTIFICATE OF SERVICE**

I hereby 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 February 9, 2024, in accordance with the Order Suspending Rules, issued in Project No. 50664.

  
Eleanor D' Ambrosio