



## **Filing Receipt**

**Filing Date - 2024-07-10 03:45:28 PM**

**Control Number - 56385**

**Item Number - 22**

**DOCKET NO. 56385**

<b>APPLICATION OF NEW WATER</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>SYSTEMS, INC. AND DERBY ING FOR</b>	<b>§</b>	
<b>SALE, TRANSFER, OR MERGER OF</b>	<b>§</b>	<b>OF TEXAS</b>
<b>FACILITIES AND CERTIFICATE</b>	<b>§</b>	
<b>RIGHTS IN FRIO COUNTY</b>	<b>§</b>	

**ORDER NO. 5**

**GRANTING MOTION TO WITHDRAW MOTION TO DISMISS, REQUIRING CLARIFICATION, FINDING NOTICE SUFFICIENT, ESTABLISHING PROCEDURAL SCHEDULE, AND MAKING A DETERMINATION TO HOLD A HEARING**

This Order addresses the March 19, 2024 application of New Water Systems, Inc. and Derby ING LLC for approval of the sale, transfer, or merger of facilities and certificate rights in Frio County.

**I. Granting Motion to Withdraw Motion to Dismiss**

On July 2, 2024, Commission Staff filed a motion to withdraw its June 13, 2024 motion to dismiss due to the clarification that New Water Systems is submitting a sale, transfer, or merger application for a system it is already operating in order to attain compliance with Texas Water Code (TWC) § 13.301 and 16 Texas Administrative Code (TAC) § 24.239.

The administrative law judge (ALJ) grants Commission Staff's motion to withdraw its motion to dismiss.

**II. Requiring Clarification from Commission Staff**

Based on the additional information and the clarification from the applicants, the ALJ requires clarification from Commission Staff as to whether the application is still administratively complete. By July 17, 2024, Commission Staff must file a clarification on administrative completeness.

**III. Finding Notice, As Supplemented, Sufficient**

On April 25, 2024, New Water Systems filed the following: (a) the affidavit of Christopher Martin, authorized representative of New Water Systems, attesting that notice was mailed to all current customers, neighboring utilities, and affected parties on April 18, 2024; (b) customer lists

under confidential seal; and (c) example copies of the notice and maps sent. On June 28, 2024, the New Water Systems supplemented its notice documentation with the affidavit of Mr. Martin attesting that there are no landowners owning tracts of land over 25 acres wholly or partly inside the requested area.

On July 2, 2024, Commission Staff filed a recommendation on the sufficiency of notice and proposed a procedural schedule.

The administrative law judge (ALJ) finds notice sufficient.

#### **IV. Establishing Procedural Schedule**

The ALJ establishes the following procedural schedule for the continued processing of this docket:

<b>Event</b>	<b>Date</b>
Notice completed	April 18, 2024
Deadline to intervene	May 18, 2024
Deadline for Commission Staff to request a hearing or file a recommendation on approval of the sale and on the certificate of convenience and necessity amendment	July 12, 2024
Deadline for Commission Staff to file clarification on administrative completeness of the application	July 17, 2024
Deadline for the parties to file a response to Commission Staff's recommendation or to request a hearing; and Deadline for intervenors to request a hearing	July 26, 2024
If no hearing is requested, deadline for the parties to file a joint motion to admit evidence and a proposed order approving the sale and allowing the transaction to proceed	August 8, 2024
120-day deadline for the Commission to approve the sale or require a hearing	August 16, 2024

#### **V. Making a Determination to Hold a Hearing**

To allow for the continued processing of this docket, and in accordance with TWC § 13.301(e), this Order serves as notice to the parties and to the Office of Public Utility Counsel that the Commission has determined that it will hold a hearing to determine if the transaction will serve the public interest. The determination to hold a hearing may be withdrawn following the consideration of the supplemental material.

Signed at Austin, Texas on the 10th day of July 2024.

**PUBLIC UTILITY COMMISSION OF TEXAS**

A handwritten signature in black ink that reads "Katie Moore Marx". The signature is written in a cursive style with a large initial 'K'.

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**KATIE MOORE MARX**  
**ADMINISTRATIVE LAW JUDGE**

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