

Decision No. R23-0329-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 23A-0128W

IN THE MATTER OF THE APPLICATION OF PAPASON LLC DBA BAXTER WATER AND SERVICES FOR AUTHORITY TO TRANSFER ALL ASSETS, CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AND ACCOMPANYING WATER AND WELL RIGHTS FROM GREENWELL ENERGY INC AKA GREENWELL ENERGY LLC AKA OCTAL RESOURCES INC DBA ONEAL WATER WORKS AKA ONEAL WATER INC AKA ONEAL WATER TO PAPASON LLC DBA BAXTER WATER AND SERVICES.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
AVIV SEGEV
GRANTING UNOPPOSED MOTION TO APPROVE
PROCEDURAL SCHEDULE, ADOPTING PROCEDURES,
SCHEDULING EVIDENTIARY HEARING, AND
PROVIDING INSTRUCTIONS CONCERNING EXHIBITS
AND PARTICIPATING IN REMOTE HEARING**

Mailed Date: May 17, 2023

STATEMENT

A. Procedural Background

1. On March 16, 2023, Papason LLC, doing business as Baxter Water & Services (Baxter Water) filed with the Commission its Application (Application), seeking approval of the transfer of all assets, Certificate of Public Convenience and Necessity (CPCN), and accompanying water and well rights held by Greenwell Energy Inc, doing business as O'Neal Water (O'Neal Water) from O'Neal Water to Baxter Water. This filing commenced Proceeding No. 23A-0128W.

2. On March 17, 2023, the Commission issued its Notice of Application Filed (Notice). The notice established a 30-day intervention period for intervenors to file appropriate pleadings to become parties in this Proceeding.

3. On April 6, 2023, the Staff of the Public Utilities Commission (Staff) timely noticed its intervention of right.

4. On April 19, 2023, the Commission deemed the Application complete and referred this matter to an Administrative Law Judge (ALJ) by minute entry.

5. On May 15, 2023, Staff filed its Unopposed Motion for Approval of Procedural Schedule (Motion to Approve Procedural Schedule). In the Motion to Approve Procedural Schedule Staff states that it conferred with Baxter Water and the parties had agreed to the following procedural schedule (Consensus Schedule):

Procedural Activity	Proposed Date
Direct Testimony	June 21, 2023
Answer Testimony	August 15, 2023
Rebuttal and Cross-Answer Testimony	August 31, 2023
Settlement Deadline	September 7, 2023
Pre-hearing Motions	September 7, 2023
Response to Prehearing Motions/Witness and Cross-Examination Matrix	September 13, 2023
Remote Evidentiary Hearing	September 19, 2023
Statements of Position	October 3, 2023

Staff also reported that the parties agree that Commission Rule 1405 will govern discovery and the evidentiary hearing should be conducted remotely.

B. Motion to Approve Procedural Schedule

6. The Motion to Approve Procedural Schedule is unopposed. For good cause shown, and consistent with the discussion below, the Motion to Approve Procedural Schedule will be granted.

C. Procedural Schedule and Unified Numbering System for Hearing Exhibits

7. The Consensus Schedule was agreed to by the parties, is reasonable, and will be adopted, as ordered below.

8. In order to efficiently organize the numbering and preparation of exhibits for the hearing, the parties shall use a unified numbering system for all hearing exhibits. Blocks of hearing exhibit numbers are assigned as follows:

- Baxter Water is assigned hearing exhibit numbers 100 to 199; and
- Staff is assigned hearing exhibit numbers 200 to 299.

D. Remote Evidentiary Hearing

9. As agreed to by the parties, an evidentiary hearing shall be scheduled for September 19, 2023. Based on the parties' agreement, the evidentiary hearing in this Proceeding hearing will be conducted as a remote hearing. This Decision and Attachments A and B provide critical information and instructions to facilitate holding the remote hearing, which all parties must follow.

10. To minimize the potential that the remote hearing may be disrupted by non-participants, the link, meeting ID code, and passcode to attend the hearing will be provided to the participants by email before the hearing, and the participants will be prohibited from distributing that information to anyone not participating in the hearing.

11. Attachment A to this Decision provides the information addressing how to use the Zoom platform for remotely participating in the hearing. Attachment B outlines procedures and requirements for marking and formatting exhibits to facilitate the efficient and smooth electronic evidence presentations at the hybrid hearing. It is extremely important that the parties carefully review and follow all requirements in this Decision and Attachments A and B.

E. Additional Procedural Notice

12. The parties are on notice that the ALJ will retain the discretion to change the method by which the hearing will be conducted.

13. Additional procedural requirements may be addressed in future Interim Decisions.

II. ORDER

A. It Is Ordered That:

1. The Notice of Intervention as of Right, filed by the Trial Staff of the Colorado Public Utilities Commission on April 6, 2023, is acknowledged.

2. The Unopposed Motion for Approval of Procedural Schedule (Motion to Approve Procedural Schedule), filed by the Staff of the Colorado Public Utilities Commission on May 15, 2023, is granted.

3. The following procedural schedule is adopted to govern this proceeding:

Procedural Activity	Deadline
Direct Testimony	June 21, 2023
Answer Testimony	August 15, 2023
Rebuttal and Cross-Answer Testimony	August 31, 2023
Settlement Deadline	September 7, 2023
Pre-hearing Motions	September 7, 2023
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4. The parties shall be held to, and shall comply with, the requirements in this Decision. In addition to other requirements of the Commission's Rules of Practice and Procedure, 4 *Code of Colorado Regulations* 723-1 (e.g., Rule 1202 regarding pre-filed testimony and Rule 1405 regarding discovery procedures), all pre-filed hearing exhibits shall be marked for identification and filed in accordance with this Decision, including Attachment B hereto.

5. A hearing in this matter shall be conducted at the following date, time, and place:

DATE: September 19, 2023

TIME: 9:00 a.m.

PLACE: Join by video conference using Zoom at the link to be provided in an email from the Administrative Law Judge¹

¹ Additional information about the Zoom platform and how to use the platform are available at: <https://zoom.us/>. All are strongly encouraged to participate in a test meeting prior to the scheduled hearing. See <https://zoom.us/test>.

6. This Decision shall be effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

AVIV SEGEV

Administrative Law Judge

ATTEST: A TRUE COPY

Rebecca E. White,
Director