

Decision No. R23-0539-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
WAIVING RESPONSE TIME AND GRANTING JOINT
MOTION TO AMEND PROCEDURAL SCHEDULE**

Mailed Date: August 14, 2023

I. STATEMENT

A. Procedural Background

1. On March 16, 2023, Papason LLC, doing business as Baxter Water & Services (Applicant) 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. By Decision No. R23-0329-I, issued May 17, 2023, the ALJ, among other things, adopted a procedural schedule and scheduled an evidentiary hearing in this matter for September 19, 2023. The procedural schedule was modified by decision No. R23-0439-I, issued July 5, 2023 (hereinafter, Procedural Schedule).

6. On August 11, 2023, the parties filed their Joint Motion to for Approval to Amend Procedural Schedule (Joint Motion). In the Joint Motion, the Parties state that they have been able to reach a settlement in this matter and request that the Procedural Schedule be modified.

B. Joint Motion

7. In the Joint Motion, the parties request that in order to facilitate the preparation and submission of a comprehensive testimony in support of the parties' settlement, the Procedural Schedule be modified to add a Settlement Testimony due date of September 7, 2023.¹ The parties further suggest reserving the previously-scheduled hearing date of September 19, 2023 for a possible settlement hearing, or, in the alternative, hold the settlement hearing at an earlier date agreeable to the Parties and the ALJ.² Lastly, the parties request that the remaining due dates in the Procedural Schedule be vacated. As this filing is a joint motion, no party will be prejudiced

¹ Joint Motion at 2.

² *Id.*

if response time is waived. Therefore, the ALJ will *sua sponte* waive response time to the Joint Motion, as ordered below.

8. The parties state good cause for their requested relief. Therefore, the Joint Motion will be granted, the Procedural Schedule will be amended to add a Settlement Testimony due date of September 7, 2023, and all the remaining deadlines in the Procedural Schedule that are not specifically addressed herein will be vacated, as ordered below.

9. The parties acknowledge that a hearing on the settlement may not be necessary³; however, they agree that a hearing could be held during the currently scheduled hearing date or at an earlier agreeable date and time. The scheduled hearing will remain as scheduled unless otherwise ordered by a separate decision.

II. ORDER

A. It Is Ordered That:

1. Response time to the Joint Motion to for Approval to Amend Procedural Schedule (Joint Motion), filed by the parties on August 11, 2023, is waived.
2. The Joint Motion is granted.
3. The parties must reduce the terms of their settlement to writing and file the same, along with testimony in support of approval thereof, on or before September 7, 2023.

³ The parties recommend reserving previously-scheduled hearing date “if a hearing regarding the settlement is necessary.” *Id.*

4. Unless otherwise ordered by a separate decision, the parties shall remain available for a possible settlement hearing during the previously-scheduled evidentiary hearing on September 19, 2023.

5. All procedural deadlines not specifically addressed herein are vacated.

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

A handwritten signature in cursive script that reads "Rebecca E. White".

Rebecca E. White,
Director