

APPLICATION OF ELECTRO § BEFORE THE STATE OFFICE
PURIFICATION, LLC, FOR WELL §
MODIFICATION AUTHORIZATION § OF
AND PRODUCTION PERMIT §
§ ADMINISTRATIVE HEARINGS

ORDER NO. 13
DENYING MOTION TO DISMISS, GRANTING MOTION TO ABATE, AND
REQUIRING A PROPOSED PROCEDURAL SCHEDULE

On March 31 2020, Electro Purification, LLC., (EP) filed an Unopposed Motion to Abate this case. As grounds for the motion, EP pleaded that the properties for which it seeks well modification authorization and a production permit are the subject of condemnation proceedings by a third party for a gas pipeline now under construction, and that EP may as a result, be required to withdraw its application and file a new one. EP filed suit against the parties seeking condemnation, but those proceedings were stayed because of the COVID-19 pandemic and the closing of the courts. The Administrative Law Judges granted the motion to abate and ordered EP to file monthly status reports. On July 1, 2020, EP filed its third monthly status report, and informed the ALJs that it had reached a settlement with the third party that, once it is finalized, will allow EP to go forward with its application in this case. EP asked for an additional abatement to finalize the settlement documents until August 17, 2020, at which time it would submit a proposed procedural schedule for this case.

Protestants Trinity Edwards Springs Protection Association (TESPA) and Donald F. Woods filed a response to EP's status report and a motion to dismiss on July 7, 2020. TESPA and Mr. Woods argue that the request to abate for another month should be denied and the case dismissed because EP has not adequately explained the basis for its resolution of the conflict with the third party over the placement of the pipelines in conjunction with EP's proposed wells. On July 8, 2020, Protestant Hays County also filed a response, reiterating TESPA's and Mr. Woods's objection to abatement. EP filed a response to Protestants' motions, and Protestants replied to EP's response. The General Manager of Barton Springs Edwards Aquifer Conservation District filed a response on July 14, 2020, stating that it had no objection to the abatement requested by EP.

After reviewing the motion to abate, the motion to dismiss, and the arguments of the parties, the ALJs find the motion to abate has merit and it is **GRANTED**. The purpose of the abatement

was to allow EP time to resolve the issues regarding the pipeline planned by a third party and its possible interference with EP's proposed wells. EP has notified the ALJs and the parties that it has resolved the potential conflicts and is ready to proceed with the application after the resolution has been finalized. The terms of the agreement are not pertinent to the question of whether the contested case may proceed. Protestants' motion to dismiss is **DENIED**.

IT IS, THEREFORE, ORDERED that the case and all deadlines are abated until **August 17, 2020**, on or before which date the parties shall submit a new procedural schedule.

SIGNED July 16, 2020.



JOANNE SUMMERHAYS
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS



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ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS