



Control Number: 42914



Item Number: 9

Addendum StartPage: 0

DOCKET NO. 42914

APPLICATION OF SAN ANTONIO
RIVER AUTHORITY AND W&W
WATER, INC. FOR THE SALE,
TRANSFER, OR MERGER OF
FACILITIES AND CERTIFICATE
RIGHTS IN WILSON COUNTY

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PUBLIC UTILITY COMMISSION: 55
OF TEXAS
FILING CLERK

COMMISSION STAFF'S REQUEST FOR A PROCEDURAL SCHEDULE

Commission Staff (Staff) of the Public Utility Commission of Texas (Commission) files this Request for a Procedural Schedule. In support of its Request for a Procedural Schedule, Staff states the following:

I. Background

On August 29, 2014, San Antonio River Authority (SARA) and W&W Water, Inc. (W&W Water) filed an application with the Texas Commission on Environmental Quality regarding the sale and transfer of a certificate of convenience and necessity (CCN No. 12023) and certain facilities in Wilson County, Texas. SARA and W&W Water's application was filed pursuant to TEX. WATER CODE § 13.301 and 16, TEX. ADMIN. CODE §§ 24.109 and 24.112 (Public Utility Comm'n of Texas, Certificates of Convenience and Necessity). SARA, the seller, is a utility district, as defined by the Texas Water Code.¹ W&W Water, the purchaser, is a private entity. SARA proposes to sell to W&W Water all of its water system and CCN No. 12023. The proposed effective date of the transaction is February 1, 2015.

September 5, 2014, SARA and W&W Water's application was received by the Commission for processing.

On September 8, 2014, the Administrative Law Judge entered Order No. 1, which required Staff to file comments on the sufficiency of SARA and W&W Water's application and notice and to submit an agreed-upon proposed procedural schedule.

On September 19, 2014, Staff filed its Response to Order No. 1. In its Response, Staff

¹ See TEX. WATER CODE § 49.001(a)(1) (defining district as "any district or authority created by authority of either Sections 52(b)(1) and (2), Article III, or Section 59, Article XVI, Texas Constitution, regardless how created."); *Texas River Barges v. City of San Antonio*, 21 S.W.3d 347, 353 (Tex. App. -San Antonio 2000, pet. denied) (stating that SARA was created pursuant to Section 59, Article XVI of the Texas Constitution).

determined that SARA and W&W Water's application had certain deficiencies and therefore was not administratively complete. Staff recommended that SARA and W&W Water be permitted to cure these deficiencies, upon which time Staff would conduct another review of the application for administrative completeness.

On September 23, 2014, the Administrative Law Judge entered Order No. 3.² Order No. 3 required SARA and W&W Water to cure the deficiencies identified by Staff by October 22, 2014.

In response to Order No. 3, SARA submitted various documents, including financial documents, rate schedule, and maps.

II. Administrative Completeness

A. Administrative Completeness

With respect to procedure, the Commission's substantive rules state:

On or before the 120th day before the effective date of any sale, acquisition, lease, rental, merger or consolidation of any water or sewer system required by law to possess a certificate of public convenience and necessity, the utility or water supply or sewer service corporation shall file a written application with the commission and give public notice of the action.³

The 120-day period begins on the later of: (i) the filing of a sale, transfer, merger application; (ii) if mailed notice is required, the date that the applicant mailed notice; or (iii) if newspaper notice is required, the last date of publication of the notice.⁴ An application is not considered filed with the Commission until "a determination of administrative completeness is made."⁵

Staff has reviewed the additional documents submitted by SARA and W&W Water. Staff recommends that these additional documents, in conjunction with the documents already submitted with SARA and W&W Water's application, make SARA and W&W Water's application administratively complete. Staff's recommendation of administrative completeness

² There is no Order No. 2 in this proceeding.

³ P.U.C. SUBST. R. 24.109(a).

⁴ P.U.C. SUBST. R. 24.109(a)(1)-(3).

⁵ P.U.C. SUBST. R. 24.8.

is not a recommendation of the merits of SARA and W&W Water's application.

III. Proposed Procedural Schedule

Given Staff's recommendation regarding administrative completeness, Staff requests that the Commission adopt the following procedural schedule to process SARA and W&W Water's application:

| Event | Deadline |
|--|-------------------|
| Affidavits evidencing proof of notice | January 5, 2014 |
| Intervention (45 days from December 10, 2014 administrative completeness date) | January 26, 2015 |
| Comment period (30 days from proof of notice deadline) | February 4, 2015 |
| Request for referral to the State Office of Administrative Hearings (if necessary) or if no request for referral, Staff's recommendation | February 20, 2015 |
| Response to Staff's recommendation or proposed notice of approval that includes proposed findings of fact, proposed conclusions of law, and proposed ordering paragraphs | March 6, 2015 |
| End of the 120-day period (120 days from December 16, 2014 recommended administrative completeness date) | April 15, 2015 |

IV. Conclusion

Staff recommends that the Commission find SARA and W&W Water's application to be administratively complete, and Staff requests that the Commission adopt the proposed procedural schedule above.

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Date: December 16, 2014

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director
Legal Division

Shelah J. Cisneros
Managing Attorney
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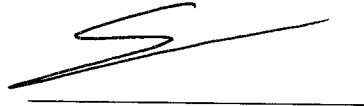


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CERTIFICATE OF SERVICE

I certify that a copy of this document was served his document was served on all parties of record on December 16, 2014 in accordance with P.U.C. Procedural Rule 22.74.



Sam Chang