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APPLICATION OF AQUA UTILITIES,
INC. AND AQUA TEXAS, INC. D/B/A
AQUA TEXAS FOR SALE, TRANSFER,
OR MERGER OF FACILITIES AND TO
AMEND CERTIFICATES OF
CONVENIENCE AND NECESSITY IN
CHAMBERS, JEFFERSON AND
LIBERTY COUNTIES (GRAY UTILITY
SERVICE WATER SYSTEM; 37943-S)

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PUBLIC UTILITY COMMISSION
OF
TEXAS

2015 OCT 2 19
PUBLIC UTILITY COMMISSION
FILING CLERK

COMMISSION STAFF'S RESPONSE TO ORDER NO. 12 AND PROPOSED SUPPLEMENTAL PROCEDURAL SCHEDULE

COMES NOW Commission Staff (Staff) of the Public Utility Commission of Texas (Commission) and files this Response to Order No. 12 and Proposed Supplemental Procedural Schedule. In support of its Response, Staff states the following:

I. BACKGROUND

On June 4, 2014, Aqua Texas, Inc. d/b/a Aqua Texas (Applicant) filed an application with the Texas Commission on Environmental Quality (TCEQ) regarding the sale, transfer, or merger (STM) and amendment of Certificate of Convenience and Necessity (CCN) No. 11157 in Chambers, Jefferson, and Liberty Counties, Texas pursuant to Tex. Water Code Ann. § 13.301 and Title 16, Tex. Admin. Code (16 TAC) §§ 24.109 and 24.112.

On September 4, 2015, the Administrative Law Judge issued Order No. 12 finding the application sufficient, directing the Applicant to provide notice as recommended by Staff, and establishing a procedural schedule. Pursuant to the procedural schedule adopted in Order No. 12, Staff is directed to file a supplemental procedural schedule to govern the proceeding by October 23, 2015. This Response is timely filed.

II. PROPOSED SUPPLEMENTAL PROCEDURAL SCHEDULE

On October 2, 2015, the Applicant filed affidavits of notice indicating that notice of the application was mailed to neighboring systems, landowners, and cities on September 30, 2015.¹

¹ Aqua Texas' Affidavit of Notice at 1 (Oct. 2, 2015).

Pursuant to 16 TAC § 24.109(e), the 120-day deadline to approve the sale administratively or require a public hearing to determine if the transaction will serve the public interest ends on January 28, 2016.² Staff proposes the following supplemental procedural schedule for the processing of this application:

Last date of notice provided to neighboring systems, landowners, and cities.	September 30, 2015
Intervenor deadline for comments or requests for hearing.	October 30, 2015
Deadline for Staff to file a recommendation on the application or request a hearing.	December 2, 2015
Expiration of 120-day deadline for Commission action pursuant to 16 TAC § 24.109(e).	January 28, 2016

III. CONCLUSION

To facilitate the processing of this application, Staff recommends the adoption of the proposed supplemental procedural schedule and respectfully requests an order consistent with this Response.

² The 120-deadline begins on the *later* of: “(1) the date the applicant files an application under this section; (2) if mailed notice is required, the last date the applicant mailed the required notice as stated in the applicant's affidavit of notice; or (3) if newspaper notice is required, the last date of the publication of the notice in the newspaper as stated in the affidavit of publication.” 16 TAC § 24.109(a) (emphasis added).


Date: October 23, 2015

Respectfully Submitted,

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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 October 23, 2015 in accordance with 16 TAC § 22.74.

Jessica A. Gray w/ permission
Jessica A. Gray, Attorney

