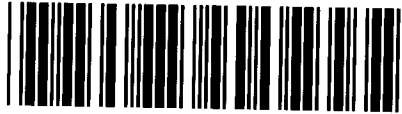


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DOCKET NO. 42959

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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 §  
MCLENNAN COUNTY (T&A WATER §  
AND VLS INC. WATER SYSTEMS; §  
37944-S) §

PUBLIC UTILITY COMMISSION  
PUBLIC UTILITY COMMISSION  
FILING CLERK

OF TEXAS

**COMMISSION STAFF'S RESPONSE TO ORDER NO. 10, RECOMMENDATION ON  
SUFFICIENCY OF CLOSING DOCUMENTS, AND PROPOSED PROCEDURAL  
SCHEDULE**

Commission Staff (Staff) of the Public Utility Commission of Texas (Commission) files this Response to Order No. 10, Recommendation on Sufficiency of Closing Documents, and Proposed 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 or Buyer) 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 held by Aqua Utilities, Inc. (Aqua Utilities or Seller) in McLennan County, Texas pursuant to Tex. Water Code Ann. § 13.301 and Title 16, Tex. Admin. Code (16 TAC) §§ 24.109 and 24.112.

On July 27, 2015, the Administrative Law Judge (ALJ) issued Order No. 10 approving and directing the Applicant to consummate the proposed transaction. Pursuant to Order No. 10, Staff is directed to file a recommendation regarding the sufficiency of the documents and propose a schedule for continued processing of this docket within ten days of the Applicant's submission of proof that the transaction has been consummated and customer deposits addressed. The Applicant filed a bill of sale regarding the transaction on October 2, 2015. Therefore, this Response is timely filed.

## **II. STAFF'S RECOMMENDATION ON SUFFICIENCY OF THE CLOSING DOCUMENTS**

On October 2, 2015, the Applicant submitted a Bill of Sale to show that the transaction has been finalized and that there were no customer deposits to be refunded either prior to or immediately after closing.<sup>1</sup> Staff has reviewed these documents and recommends that they are sufficient to show that the Applicant has met the requirements in 16 TAC § 24.109(g). Staff is currently revising the Commission's mapping information to reflect this transaction. Upon completion of mapping, the parties must submit to the Commission signed consent forms evidencing their consent to the revised maps. Once Staff has received the completed and signed consent forms from the parties, Staff will issue its final recommendation on the application.

## **III. PROPOSED PROCEDURAL SCHEDULE**

In order to accomplish the process described above, Staff proposes the following procedural schedule for the continued processing of this docket:

<b>EVENT</b>	<b>DATE</b>
Deadline for Commission Staff to submit revised maps and certificates to the parties for consent.	November 11, 2015
Deadline for parties to file completed and signed consent forms with the Commission.	November 25, 2015
Deadline for Commission Staff to file a final recommendation on the application.	December 9, 2015
If no disputed issues, deadline for parties to file a proposed notice of approval with fact findings, legal conclusions, and ordering paragraphs.	December 16, 2015

## **IV. CONCLUSION**

For the reasons stated above, Staff recommends that Bill of Sale submitted by the Applicant is sufficient to show that the transaction has been completed and that there were no customer deposits to be refunded. Staff respectfully requests that the ALJ adopt the proposed procedural schedule and issue an order consistent with this response.

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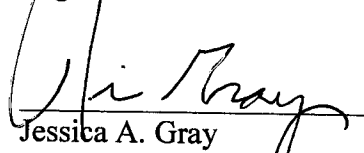
<sup>1</sup> Bill of Sale at 7 (Oct. 2, 2015).

**Date: October 12, 2015**

Respectfully Submitted,

Margaret Uhlig Pemberton  
Division Director  
Legal Division

Karen S. Hubbard  
Managing Attorney  
Legal Division

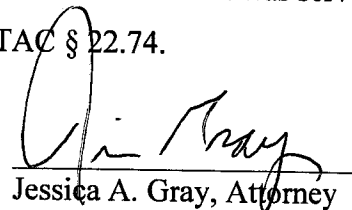


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**CERTIFICATE OF SERVICE**

I certify that a copy of this document was served his document was served on all parties of record on October 12, 2015 in accordance with 16 TAC § 22.74.



Jessica A. Gray, Attorney