



Control Number: 42994



Item Number: 11

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DOCKET NO. 42994

**APPLICATION OF D&K
DEVELOPEMENT CORPORATION
AND EMCAD WATER AND
WASTEWATER, LLC FOR SALE,
TRANSFER, OR MERGER OF
FACILITIES AND CERTIFICATE
RIGHTS IN TARRANT COUNTY
(37727-S)**

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**PUBLIC UTILITY COMMISSION
OF TEXAS**

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**ORDER NO. 1
ADDRESSING WATER PROGRAM TRANSFER AND PROCEDURAL MATTERS**

I. Program Transfer

A. Jurisdiction

Effective September 1, 2014, the Public Utility Commission of Texas (PUC or Commission) began the economic regulation of water and sewer utilities. This case formerly pending at the Texas Commission on Environmental Quality (TCEQ) was transferred to the Commission on September 1, 2014.

B. PUC Rules

On July 10, 2014, the Commission approved substantive rules regulating water and sewer utilities which can be found in Chapter 24 of title 16 of the Texas Administrative Code (TAC). New chapter 24 will govern the Commission's economic regulation of water and sewer utilities and includes necessary changes to implement the rules in accordance with Commission procedures. The Commission also adopted changes to its procedural rules governing the transfer and processing of water and sewer utility applications beginning September 1. The procedural rules affecting water and sewer utilities, as well as other procedures applicable to all PUC proceedings, are found at **16 TAC Chapter 22**. Statutes, rules, and other documents governing the programs administered by the Commission are available on the PUC website www.puc.texas.gov.

II. Filings

A. Control Number

To ensure the efficient transfer and processing of ongoing water and sewer cases, the above-styled proceeding has been assigned **Control Number 42994** and has been designated a **Docket**. Effective immediately, all filings in this matter shall reflect the new number and designation. Pleadings and other filings shall be deemed filed when the proper number of copies are presented to the PUC Filing Clerk for filing pursuant to 16 TAC §22.71(c)(7). The filings in this proceeding can be accessed on the PUC Interchange, <http://interchange.puc.texas.gov>.

The transfer of paper filings previously submitted to the TCEQ in this matter has been completed. The process of organizing those filings to ensure the case file is complete is ongoing. If during this process it is determined that the case file is incomplete, the responsible party may be requested to resubmit the document to ensure that a complete case file is available to the Commission for review when considering the application in this proceeding.

B. Ex Parte Communications

Pursuant to 16 TAC 22.3(a) *ex parte* communications with the administrative law judges and presiding officer (collectively, ALJs) are prohibited. Parties shall communicate with the ALJs only through written documents filed with the Commission's Filing Clerk and served on all parties.

C. Service List

A copy of the service list as it existed when this proceeding was transferred to the Commission is attached to this Order. The parties are requested to notify the ALJ's of any corrections no later than **September 25, 2014**.

D. Office of Public Utility Counsel

By copy of this Order, the Office of Public Utility Counsel is hereby notified of this proceeding.

SIGNED AT AUSTIN, TEXAS the 18th day of September 2014.

PUBLIC UTILITY COMMISSION OF TEXAS

A handwritten signature in black ink, appearing to read "Irene Montelongo", is written over a horizontal line.

**IRENE MONTELONGO
DIRECTOR, DOCKET MANAGEMENT**

SERVICE LIST

DOCKET NO: 42994

APPLICATION OF D&K DEVELOPEMENT CORPORATION AND EMCAD WATER AND WASTEWATER, LLC AND FOR SALE, TRANSFER, OR MERGER OF FACILITIES AND CERTIFICATE RIGHTS IN TARRANT COUNTY (37727-S)

PARTIES	REPRESENTATIVE/ADDRESS
PUBLIC UTILITY COMMISSION	LEGAL DIVISION PUBLIC UTILITY COMMISSION 1701 N CONGRESS AVE STE 8-110 AUSTIN TX 78711 512-936-7260 512-936-7268 FAX
COUNTRY VISTA WWTP, LLC	BOB RENBARGER FRITZ BYRNE HEAD & HARRISON PLLC 98 SAN JACINTO BLVD STE 2000 AUSTIN TX 78701 512-476-2020 512-477-5267 FAX
EMCAD WATER AND WASTWATER, LLC	DONALD J CLAYTON EMCAD WATER AND WASTEWATER LLC 2492 MATTERHORN DR WEXFORD PA 15090 724-934-1936 724-934-1956 FAX

Verified: 9/17/14 rdh; 9/17/14 rdh; 9/18/14 as