



Control Number: 42994



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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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PUBLIC UTILITY COMMISSION
FILING CLERK

**ORDER NO. 3
REQUIRING FILING**

On October 1, 2014, Public Utility Commission of Texas (Commission) Staff filed comments regarding the status of this proceeding.

Commission Staff stated that on May 23, 2014, the Texas Commission on Environmental Quality issued a letter informing D&K Development Corporation (D&K) and EMCAD Water and Wastewater, LLC (EMCAD Water) (collectively, parties) that a public hearing would not be requested, that the parties could complete their proposed transaction, and that a transfer of the Certificate of Convenience and Necessity (CCN) would occur following receipt of a copy of the signed contract or bill of sale and documents supporting the disposition of customer deposits.

Commission Staff stated approval of the transaction in this proceeding will expire one year from the date of written approval, or May 23, 2015, pursuant to P.U.C SUBST. R. 24.112(e). Alternatively, if the transaction has not been consummated within the one-year time period, and unless an extension has been requested and received, approval would be void and reapplication for approval of the transaction must occur as though filed for the first time (*de novo*).

Under P.U.C SUBST. R. 24.112(e), the parties have until May 23, 2015, to file the appropriate documents so that final disposition of this case can occur and transfer of the CCN can be accomplished. This application has been pending since September 2013. Therefore, in an effort to finalize this case as soon as possible, beginning November 10, 2014, and continuing monthly thereafter, the parties shall file an update regarding the status of the efforts to conclude the transaction and to submit closing documents.

SIGNED AT AUSTIN, TEXAS the 9th day of October 2014.

PUBLIC UTILITY COMMISSION OF TEXAS

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

**IRENE MONTELONGO
DIRECTOR, DOCKET MANAGEMENT**

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