



Control Number: 42994



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PUC DOCKET NO. 42994

**APPLICATION OF D&K
DEVELOPMENT 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
FILING CLERK
OF TEXAS

COMMISSION STAFF'S RESPONSE TO ORDER NO. 4

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this Response to Order No. 4, and would show the following:

I. BACKGROUND

On September 13, 2013, D&K Development Corporation (D&K) and EMCAD Water and Wastewater, LLC (EMCAD) filed an application for the sale, transfer, or merger of facilities and certificate rights in Tarrant County from D&K to EMCAD Water. The application was received by the Public Utility Commission of Texas (Commission) on September 15, 2014. On July 22, 2015, the administrative law judge issued Order No. 4, requiring that Staff file a recommendation regarding the sufficiency of the closing documentation and whether all of the required criteria has been met for final approval of this application no later than August 3, 2015. Accordingly, this response is timely filed.

II. STAFF RECOMMENDATION

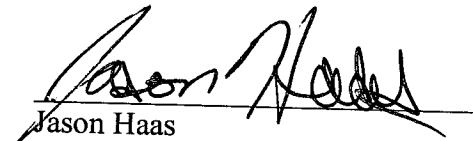
16 Tex. Admin Code § 24.109(g) (TAC) requires that the "utility or water supply or sewer service corporation must file a signed contract, bill of sale, or other appropriate documents as evidence that the transaction has been made final and documentation that customer deposits have been transferred or refunded to the customer with interest as required by these rules." Staff has reviewed the closing documents submitted by the Applicants. D&K and EMCAD submitted a completed Bill of Sale and Certificate of Completion showing that the facilities have been transferred from D&K to EMCAD. The utilities also indicated that D&K did not hold any customer deposits, and no deposits were transferred or refunded. Staff recommends that the utilities have met the required criteria for final approval of the application and have complied with the requirements of 16 TAC § 24.109(g).

Dated: July 30, 2015

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director – Legal Division

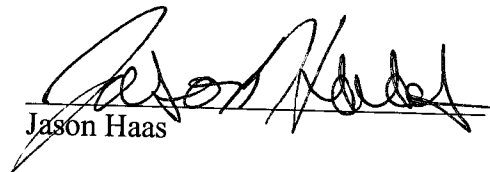
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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on July 30, 2015, in accordance with P.U.C. Procedural Rule 22.74.



Jason Haas