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DOCKET NO. 43175

APPLICATION OF COMMUNITY §
WATER SERVICE, INC. AND §
WALTER J. CARROLL FOR SALE, §
TRANSFER, OR MERGER OF §
FACILITIES AND CERIFICATE §
RIGHTS IN ELLIS COUNTY (37981-S) §

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COMMISSION STAFF'S RECOMMENDATION FOR REFERRAL TO THE STATE OFFICE OF ADMINISTRATIVE HEARINGS

COMES NOW the Staff of the Public Utility Commission of Texas ("Staff"), representing the public interest and files this Staff's Recommendation for Referral to the State Office of Administrative Hearings (SOAH) and would show the following:

I. BACKGROUND AND DISCUSSION

On July 11, 2014, Community Water Service, Inc. ("Community") and Walter J. Carroll Water Company, Inc. ("Purchaser") filed an application (Application) for the sale, transfer, or merger ("STM") of facilities and certificate rights in Ellis County. This proceeding is governed by TEX. WATER CODE ANN. §§ 13.251 and 13.301, which are implemented by P.U.C. SUBST. RS. 24.109 and 24.112.

Order No. 4 deemed the Application administratively complete and allowed interested parties until January 19, 2015 to intervene and allowed Staff to until February 3, 2015 to request a hearing. Therefore, this pleading is timely filed.

II. REQUEST FOR REFERRAL TO SOAH

Staff recommends that this matter be referred to SOAH. The Purchaser timely gave notice of the Application to the City of Red Oak, and the City of Red Oak timely protested the Application raising factual issues to be resolved in this matter. Therefore, Staff requests that this matter be referred to SOAH.

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III. CONCLUSION

Staff respectfully requests the entry of an order consistent with the above recommendation.

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director
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Managing Attorney
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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on February, 3, 2015 in accordance with P.U.C. Procedural Rule 22.74.

Doug Brown *uperrmission*
Douglas M. Brown
Steph Mack