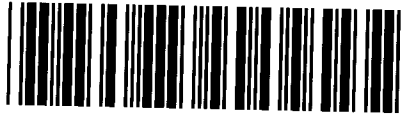


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<p>APPLICATION OF CURTIS J. SHUPAK AND HDU SERVICES, LLC FOR SALE, TRANSFER, OR MERGER OF FACILITIES AND CERTIFICATE OF CONVENIENCE AND NECESSITY IN BURLESON COUNTY (37955-S)</p>	<p>§ § § § § § §</p>	<p>PUBLIC UTILITY COMMISSION OF TEXAS</p> <p>2015 APR 20 AM 9:18 PUBLIC UTILITY COMMISSION FILING CLERK</p>
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COMMISSION STAFF’S RECOMMENDATION ON SUFFICIENCY OF DOCUMENTS

COMES NOW the Staff of the Public Utility Commission of Texas, representing the public interest and files this Recommendation on Sufficiency of Documents and would show the following:

I. BACKGROUND

On June 23, 2014 HDU Services, LLC (Applicant) filed with the Texas Commission on Environmental Quality (TCEQ) an Application for Sale, Transfer, or Merger of a Retail Public Utility pursuant to TEX. WATER CODE ANN. §§ 13.246(c), 13.254, 13.301 and 30 TEX. ADMIN. CODE § 291.1091.¹ The application addressed the proposed transfer of service area Certificate of Convenience and Necessity (CCN) No. 12254 and facilities in Burleson County, Texas from Curtis J. Shupak to the Applicant. According to the application, the Applicant will retain CCN No. 12254.

On March 27, 2015, the administrative law judge (ALJ) issued Order No. 5 in which the ALJ ordered that the sale/transfer transaction between Mr. Shupak and HDU Services may proceed and be consummated. Order No. 5 also requested that Mr. Shupak and HDU Services submit proof to the Commission that the sale/transfer has been consummated and customer deposits addressed, and that Staff shall file a recommendation regarding the sufficiency of the documents and propose a schedule for the continued processing of this docket within ten working days of Mr. Shupak and HDU Services filing proof of sale. HDU Services submitted a bill of sale on March 30, 2015, which Staff recommended be found insufficient for lacking a signature page. Subsequently, on April 10, 2015, parties submitted a revised bill of sale

¹ Currently P.U.C. SUBST. R. 24.109.

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Therefore, Staff's recommendation on the sufficiency of the revised bill of sale is due by April 24, 2015, and Staff's recommendation is timely filed.

II. RECOMMENDATION ON DOCUMENTS

Staff has reviewed the documents submitted by HDU Services on April 10, 2015. Staff finds that sufficient proof that the sale has been consummated has been provided. Further, page 3 of 25 of the Application states that no customer deposits are held by the transferor/seller.

Staff will prepare maps and certificates for the parties' review and consent. If both parties concur with the information provided in the maps and certificates and sign the provided consent forms, Staff will make a recommendation that the transaction be approved and request that a final order be issued.

Staff proposes that by May 15, 2015, HDU and Mr. Shupak sign and return the consent forms provided by Staff, or that parties file a status update on May 15, 2015 if the consent forms have not yet been returned.

III. CONCLUSION

Staff respectfully requests that the ALJ find that parties have submitted sufficient documentation that the sale has been consummated. Staff also requests that by May 15, 2015, HDU and Mr. Shupak sign and return the consent forms provided by Staff, or parties will file a status update on that date.

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director
Legal Division


Shelah J. Cisneros
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 April 20, 2015 in accordance with P.U.C. Procedural Rule 22.74.



Katherine Lengieza Gross