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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 2015 MAY 15 AM 9:09 PUBLIC UTILITY COMMISSION OF TEXAS FILING CLERK</p>
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COMMISSION STAFF'S STATUS UPDATE

COMES NOW the Staff of the Public Utility Commission of Texas, representing the public interest and files this Status Update 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 addresses 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 April 21, 2015, HDU Services filed its consent form, consenting to the mapping Staff had drafted to reflect the sale of the CCN. On April 22, 2015, the administrative law judge (ALJ) issued Order No. 7 in which the ALJ ordered that on or before May 15, 2015, Shupak shall file his signed consent form, the parties shall file a joint report regarding the status of this docket if the consent form is not filed, or Commission Staff shall file a recommendation and/or a proposed notice of approval. Therefore, this status update is timely filed.

¹ Currently P.U.C. SUBST. R. 24.109.

II. STATUS UPDATE

As of the time of this filing, Mr. Shupak has not filed a signed consent form. Both Staff and Mr. Lozano, owner of HDU Services, have left several voicemails for Mr. Shupak regarding the consent form, and have not received any response.

Staff proposes to continue to contact Mr. Shupak regarding the consent form and that the deadline to file his consent form be extended until May 26, 2015. It is Staff's position that the signed consent form practice is not required by statute or law, but rather a practice carried over from TCEQ. Therefore, if Mr. Shupak has still not submitted his consent form by May 26, 2015, Staff proposes that it be deemed that Mr. Shupak has consented by default to the mapping Staff drafted to reflect the sale of the CCN. Staff additionally proposes that regardless of whether Mr. Shupak has mailed back his consent by May 26, 2015, Staff will file a proposed order by May 28, 2015.

III. CONCLUSION

Staff respectfully requests that the ALJ extend Mr. Shupak's deadline to file his consent form until May 26, 2015. On that date, if Mr. Shupak has not yet filed a consent form, Staff proposes that it be deemed that Mr. Shupak has consented by default. Staff additionally proposes that regardless of whether Mr. Shupak has mailed back his consent by May 26, 2015, Staff will file a proposed order by May 28, 2015.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on May 15, 2015 in accordance with P.U.C. Procedural Rule 22.74.



Katherine Lengieza Gross