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DOCKET NO. 43371

**APPLICATION OF WILDERNESS
SOUND AND HDU SERVICES, LLC FOR
SALE, TRANSFER, OR MERGER OF
FACILITIES AND CERTIFICATE OF
CONVENIENCE AND NECESSITY IN
BURLESON COUNTY (37990-S)**

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**ORDER NO. 9
REQUIRING CLARIFICATION**

On July 30, 2015, Public Utility Commission of Texas (Commission) Staff recommended approval of this application and on August 13, 2015, filed a proposed notice of approval and request to admit evidence, with an attached map, tariff and two certificates. However, before a notice can be issued in this application, the undersigned administrative law judge (ALJ) requires clarification of certain information in the proposed notice and attached map, tariff and two certificates.

First, the correctly spelled and complete name(s) and d/b/a(s) of the seller and purchaser in this application are unclear for the following reasons. In the application, "Wilderness Sound" and "HDU Services, LLC" are identified as the "CCN holder or service provider" (seller) and the "person or entity acquiring the facilities and/or CCN" (buyer), respectively, and "Yegua Water System" is shown as the utility name for both.¹ No d/b/a appears in the proposed notice, but the proposed certificates and map show "Wilderness Sound d/b/a Birch Creek" and "HDU Services, LLC d/b/a Yegua Water System."² The ALJ can find no instance in this proceeding or in other Commission records where the utility name or d/b/a "Birch Creek" was used for Wilderness Sound. In the notice approved by Commission Staff, the purchaser is shown to be HDU Services, LLC/Dustin J. Lozano and the utility name is shown as HDU Services, LLC.³ In the Bill of Sale filed by HDU Services, LLC on July 3, 2015, the transferred properties include "water wells, water lines, equipment and easements formerly owned by the Yeagua Water System, Yeagua Water, Inc. and Wilderness Sound, Ltd."⁴ Notably, Yegua is spelled differently in the Bill of Sale (Yeagua,

¹ Application of Wilderness Sound and HDU Services, LLC for Sale, Transfer or Merger of Facilities and Certificate of Convenience and Necessity in Burleson County (37990-S) at 2 and 3 of 23 (Sep. 26, 2014) (Application).

² Commission Staff's Response to Order No. 8 – Recommendation on Final Disposition (Jul. 30, 2015) (Staff Final Rec.).

³ Commission Staff's Response to Order No. 5 - Supplemental Recommendation on Administrative Completeness, Attached Notice (Apr. 7, 2015).

⁴ Copies of Bill of STM at 1 of 3 (Jul. 3, 2015) (BoS).

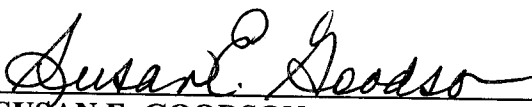
not Yegua) than in other filings in this application and Wilderness Sound is shown as a "Ltd." for the first time in the Bill of Sale. Commission Staff shall confirm and/or clarify the complete and correctly spelled name of the seller and buyer in this application, and their d/b/a(s), if any.

Second, the facilities HDU Services, LLC acquired in the transaction and from whom the facilities were acquired are unclear for the following reasons. The Application indicates Wilderness Sound owns or owned two Public Water Systems (PWS), Yegua Water System (YWS), PWS No. 0260039 and Wilderness Sound Water System (WSWS), PWS No. 0260041.⁵ Commission Staff's final recommendation states that the YWS and the Birch Creek Village Water (BCVW), PWS No. 0260042, are the facilities included in the transaction.⁶ As noted above, HDU Services, LLC's Bill of Sale indicates that the transferred properties include "water wells, water lines, equipment and easements formerly owned by the YWS, Yegua Water, Inc. and Wilderness Sound, Ltd."⁷ Notably, the Bill of Sale does not identify the transferred facilities by PWS No., but does identify three sellers: Yeagua Water System, Wilderness Sound, Ltd., and Yeagua Water, Inc. Further, the Bill of Sale does not mention the BCVW or WSWS and the proposed tariff is only for YWS, not BCVW or WSWS. Accordingly, Commission Staff shall clarify and/or confirm the facilities acquired by HDU Services, LLC in the transaction and from whom the facilities were acquired. Commission Staff shall also clarify Yeagua Water, Inc.'s role in the transaction and/or this application.

Finally, the proposed certificate cancelling and transferring Wilderness Sound's CCN, incorrectly references sewer utility service, not water utility service. On or before **September 25, 2015**, Commission Staff shall provide the information, confirmations and clarifications requested in this Order and propose additional deadlines for filing corrected documents, if appropriate.

SIGNED AT AUSTIN, TEXAS on the 3rd day of September 2015.

PUBLIC UTILITY COMMISSION OF TEXAS


SUSAN E. GOODSON
ADMINISTRATIVE LAW JUDGE

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⁵ Application, see Utility Details for Wilderness Sound.

⁶ Staff's Final Rec. at 7, Memorandum of Debbie Reyes Tomayo at 2 (Jul. 30, 2015).

⁷ BoS at 1 of 3.