

Control Number: 44512



Item Number: 12

Addendum StartPage: 0

DOCKET NO. 44512

RECEIVED

APPLICATION OF OAK FOREST §
HIGHLANDS, INC. AND FOREST §
OAKS MOBILE HOMES FOR THE §
SALE, TRANSFER, OR MERGER §
OF FACILITIES AND §
CERTIFICATE OF CONVENIENCE §
AND NECESSITY IN TRAVIS §
COUNTY §

PUBLIC UTILITY COMMISSION
2015 MAY 21 11:12:33

PUBLIC UTILITY COMMISSION
FILING CLERK
OF

TEXAS

COMMISSION STAFF'S RECOMMENDATION ON SUFFICIENCY

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

I. BACKGROUND

On March 6, 2015, Oak Forest Highlands, Inc. (Highlands or Applicant) and Forest Oaks Mobile Homes, LLC (Forest Oaks or Applicant) filed an application (Application) for the sale, transfer, or merger of facilities and certificate of convenience and necessity rights in Travis County. Specifically, Forest Oaks seeks approval to acquire all of the water system assets of Highlands. Highlands' water certificate of convenience and necessity (CCN) No. 12086 will be transferred to Forest Oaks.

In Order No. 2, the Administrative Law Judge (ALJ) deemed the Application incomplete and allowed the Applicant until April 24, 2015 to cure several deficiencies noted by Staff in its April 6, 2015 filing. The Applicant made three supplemental filings. Order No. 2 allowed Staff until May 22, 2015 to file a supplemental recommendation on sufficiency and a procedural schedule. Therefore, this pleading is timely filed.

II. RECOMMENDATION

As detailed in the attached memorandum of Emily Sears and Suzanne Burt (Attachment A) of the Water Utilities Division, Staff recommends that the Application should now be deemed sufficient for filing. The Applicant's supplemental filings cured the Application's previously noted deficiencies. Attachment A also recommends that the Applicant should provide public notice and provides instructions on how notice should be

12

issued. Attachment B provides a sample form notice to the customers, Attachment C provides a sample form notice of publication, and Attachment D provides sample form affidavits of notice.

III. PROPOSED PROCEDURAL SCHEDULE

Staff proposes the following procedural schedule:


Deadline for Applicant's to submit proof of notice	June 26, 2015
Deadline to intervene, file comments, or request a hearing	30 days after notice is issued
Deadline for Staff to file a recommendation, request for hearing, and/or an additional procedural schedule with hard deadlines ¹	August 11, 2015

III. CONCLUSION

Staff requests the ALJ issue an order consistent with this pleading.

Respectfully Submitted,
Margaret Uhlig Pemberton
Division Director
Legal Division

Stephen Mack
Managing Attorney
Legal Division



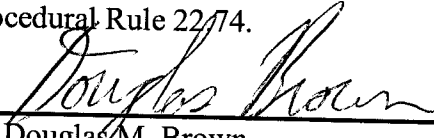
Douglas M. Brown
Attorney-Legal Division
State Bar No. 24048366
(512) 936-7203
(512) 936-7268 (facsimile)

¹ After Staff receives the affidavits of notice and the comment period has elapsed, Staff will be able to recommend other procedural deadlines appropriately within the 120-day deadline for the Commission to make a determination.

Public Utility Commission of Texas
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326

DOCKET NO. 44512
CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on
May 21, 2015 in accordance with P.U.C. Procedural Rule 2274.



Douglas M. Brown

ATTACHMENT A

Public Utility Commission of Texas

Memorandum

To: Douglas Brown, Attorney
Legal Division

Thru: Tammy Benter, Director
Water Utilities Division

From: Emily Sears, Utility Rates Analyst
Suzanne Burt, GIS Specialist
Water Utilities Division

Date: May 6, 2015

Subject: Docket No. 44512; *Application of Oak Forest Highlands, Inc. and Forest Oaks Mobile Homes, LLC for Sale, Transfer, or Merger of Facilities and Certificate of Convenience and Necessity in Travis County*

On March 6, 2015 Forest Oaks Mobile Homes, LLC (Applicant) filed an application to purchase facilities and transfer Certificate of Convenience and Necessity (CCN) No. 12086 of Oak Forest Highlands, Inc., in Travis County, Texas. The Application was filed pursuant to Chapter 13.251 of the Texas Water Code (TWC), and Chapter 24 of 16 Texas Administrative Code (TAC).

The application is sufficient for filing. The notice for publication and the notice to current customers, neighboring systems and cities are attached. The Applicant should be ordered to:

- 1) Notice the following entities, in addition to those entities listed in the application, located within a 2-mile buffer of the proposed service areas requested with this application:
 - a) Woods of Bear Creek Water Co., Inc. (CCN 11907)
 - b) Guadalupe-Blanco River Authority (No CCN)
 - c) Lower Colorado River Authority (No CCN)
 - d) Shady Hollow MUD (No CCN)
- 2) Provide the correct notice of the application to the following:
 - a) any districts, groundwater conservation districts, counties, utilities, cities, cities with an extraterritorial jurisdiction within two (2) miles of the proposed service areas;
 - b) any city with an extraterritorial jurisdiction which overlaps the proposed service areas; and
 - c) any customers transferred, or other affected parties in the requested area.
 - d) published notice to the public which must be published once each week for two (2) consecutive weeks in a newspaper of general circulation in Travis County;
- 3) Include a copy of a map showing the proposed service areas with the individual notices to neighboring utilities, customers and other affected parties. It is the Applicant's burden to provide an accurate map delineating the proposed service areas with each individual notice. Information related to districts including addresses can be obtained by the Applicant from the TCEQ web site located at <http://www14.tceq.texas.gov/iwud/>

By June 26, 2015, the Applicant should submit a copy of the actual notice issued, the map issued with the individual mailed notice, and the signed affidavits (copies attached), indicating that the notice was given.

For newspaper notice, the Applicant should provide a tear sheet of the actual newspaper publication for each week along with a publisher's affidavit as proof that sufficient notice was provided.

ATTACHMENT B

FORM A

Docket No. 44512

Notice to Current Customers, Neighboring Systems and Cities

Oak Forest Highlands, Inc.
(Seller's or Transferor's Name) 'S

NOTICE OF INTENT TO SELL FACILITIES AND TRANSFER CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) NO 12086 **TO** Forest Oaks Mobile Homes, Inc.
(Purchaser's or Transferee's Name)
IN Travis **COUNTY, TEXAS**

To: _____ **Date Notice Mailed** _____, 20____
(Name of Customer, Neighboring System or City)

(Address)

City State Zip

Oak Forest Highlands, Inc. P.O. BOX 9 Manhaca, TX 78652-0009
Sellers or Transferors' Name Address City/State/Zip Code

has submitted an application with the Public Utility Commission of Texas to sell facilities and transfer water CCN No. 12086 in Travis [County Name]

County to:

Forest Oaks Mobile Homes, LLC 724 W FM 1626, TRLR 4 Austin, TX 78748
Purchasers or Transferee's Name Address City/State/Zip Code

The sale is scheduled to take place as approved by the Commission (V.T.C.A., Water Code §13.301). The transaction and the transfer of the CCN include the following subdivision(s):

Forest Oaks Village Mobile Home Community

The area subject to this transaction is located approximately 9 miles Southwest [direction] of downtown Austin, [City or Town] Texas, and is **generally** bounded on the north by Indian Tree Trail; on the east by Town of San Leanna; on the south by FM 1626; and on the west by Polk Road

The total area being requested includes approximately 18 acres and serves 30 customers

This transaction will have the following effect on the current customer's rates and services:
None

Affected persons may file written protests and/or request a public hearing within 30 days of this notice.

To request a hearing, you must:

- (1) state your name, mailing address and daytime telephone number;
- (2) state the applicant's name, application number or another recognizable reference to this application;
- (3) include the statement "I/we request a public hearing";
- (4) write a brief description of how you, the persons you represent, or the public interest would be adversely affected by the proposed transaction and transfer of the CCN; and
- (5) state your proposed adjustment to the application or CCN which would satisfy your concerns and cause you to withdraw your request for a hearing.

Only those persons who submit a written request to be notified of a hearing will receive notice if a hearing is scheduled. The Commission will issue the CCN requested in the referenced application unless a hearing is scheduled to consider the transaction. If no protests or requests for hearing are filed during the comment period, the Commission may issue the CCN 30 days after publication of this notice.

Persons who wish to protest or request a hearing on this application should write the:

Filing Clerk
Public Utility Commission of Texas
1701 North Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326

**Se desea informacion en Espanol, puede llamar al
1-888-782-8477**

Utility Representative

Utility Name

ATTACHMENT C

NOTICE FOR PUBLICATION

OAK FOREST HIGHLANDS, INC. NOTICE OF INTENT TO SELL FACILITIES AND TRANSFER/CANCEL/AMEND CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) NO. 12086 TO FOREST OAKS MOBILE HOMES, LLC IN TRAVIS COUNTY(IES), TEXAS

Oak Forest Highlands, Inc. P.O. Box 9, Manchaca, TX 78652-0009
(Seller's or Transferor's Name) (Address) (City) (State) (Zip Code)

has submitted an application with the Public Utility Commission of Texas (Commission) to sell facilities and transfer/cancel/amend water CCN No. 12086 in Travis County(ies) to:

Forest Oaks Mobile Homes, LLC. 724 W FM 1626,TRLR 4, Austin, TX 78748
(Purchaser's or Transferee's Name) (Address) (City) (State) (Zip Code)

The transferee has also requested to obtain/amend/cancel a CCN in this application.

The sale is scheduled to take place as approved by the Commission. The transaction and the transfer and issuance/amendment/cancellation of the CCN include(s) the following subdivision(s): Forest Oaks Village Mobile Home Community

The area subject to this transaction is located approximately 9 miles Southwest of downtown Austin, Texas and is **generally** bounded on the north by Indian Tree Trail; on the east by Town of San Leanna; on the south by FM 1626; on the west by Polk Road.

The total area being requested includes approximately 18 acres and serves 30 current customers.

A request for a public hearing must be in writing. You must state (1) your name, mailing address, and daytime telephone number; (2) the applicant's name, application number or another recognizable reference to this application; (3) the statement, "I/we request a public hearing"; (4) a brief description of how you or the persons you represent, would be adversely affected by the granting of the application for a STM; and (5) your proposed adjustment to the application or CCN which would satisfy your concerns and cause you to withdraw your request for a hearing.

Persons who wish to intervene or comment should file a request in writing with the:

Filing Clerk
Public Utility Commission of Texas
1701 North Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326

within thirty (30) days from the date of this publication or notice. A public hearing will be held only if a legally sufficient hearing request is received or if the Commission on its own motion requests a hearing. Only those individuals who submit a written hearing request or a written request to be notified if a hearing is set will receive notice if a

hearing is scheduled.

If a public hearing is requested, Commission will not transfer the CCN and will forward the application to the State Office of Administrative Hearings (SOAH) for a hearing. If no settlement is reached and an evidentiary hearing is held, the SOAH will submit a recommendation to the Commission for final decision. If an evidentiary hearing is held, it will be a legal proceeding similar to a civil trial in state district court.

Si desea informacion en Espanol, puede llamar al 1-888-782-8477

ATTACHMENT D

PUBLIC UTILITY COMMISSION



PUBLISHER'S AFFIDAVIT
DOCKET NO. _____

STATE OF TEXAS
COUNTY OF _____

Before me, the undersigned authority, on this day personally appeared

_____, who being by me

duly sworn, deposes and that (s)he is the _____

(TITLE)

of the _____

(NAME OF NEWSPAPER)

that said newspaper is regularly published in: _____

(COUNTY/COUNTIES)

and generally circulated in _____

(COUNTY/COUNTIES)

, Texas: and

that the attached notice was published in said newspaper on the following date(s), to wit:

(DATES)

(SIGNATURE OF NEWSPAPER REPRESENTATIVE)

Subscribed and sworn to before me this _____ day of _____, 20____,
to certify which witness my hand and seal of office.

Notary Public in and for the State of Texas

Print or Type Name of Notary Public

Commission Expires _____

PUBLIC UTILITY COMMISSION



AFFIDAVIT OF NOTICE TO NEIGHBORING UTILITIES, CUSTOMERS AND AFFECTED PARTIES
DOCKET NO. _____

STATE OF TEXAS
COUNTY OF _____

_____ has provided individual notice to the following entities and customers:

DATE

OATH

I, _____, being duly sworn, file this form as

_____ (indicate relationship to applicant, that is, owner, member of partnership, title of officer of corporation, or other authorized representative of applicant); that in such capacity, I am qualified and authorized to file and verify such form, am personally familiar with the notices given with this application, and have complied with all notice requirements in the application and application acceptance letter; and that all such statements made and matters set for therein are true and correct.

Applicant's Authorized Representative

If the applicant to this form is any person other than the sole owner, partner, officer of the applicant, or its' attorney, a properly verified Power of Attorney must be enclosed.

Subscribed and sworn to before me this _____ day of _____, 20____, to certify which witness my hand and seal of office.

Notary Public in and for the State of Texas

Print or Type Name of Notary Public

Commission Expires _____