

Control Number: 44512



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PUBLIC UTILITY COMMISSION
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APPLICATION OF FOREST §
HIGHLANDS, INC AND FOREST §
OAKS MOBILE HOMES FOR SALE, §
TRANSFER, OR MERGER OF §
FACILITIES AND CERTIFICATE OF §
CONVENIENCE AND NECESSITY §
IN TRAVIS COUNTY §

PUBLIC UTILITY COMMISSION

OF

TEXAS

COMMISSION STAFF'S RECOMMENDATION ON SUFFICIENCY

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this Recommendation on Sufficiency. In support thereof, Staff shows the following:

I. BACKGROUND

On March 6, 2015, Oak Forest Highlands, Inc. (Highlands or Seller) and Forest Oaks Mobile Homes, LLC (Forest Oaks or Purchaser) filed an application (Application) for the sale, transfer, or merger (STM) 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's water certificate of convenience and necessity (CCN) No. 12086 would also be transferred to Forest Oaks. In Order No. 3, the Administrative Law Judge (ALJ) deemed the Application sufficient for filing and instructed the Applicants to issue notice. On June 25, 2015, the Purchaser filed affidavits of notice and samples of the notice it issued. On September 28, 2015, Order No. 9 allowed the sale/transfer transaction to proceed and be consummated. Additionally Order No. 9 instructed the Applicants to file monthly status updates and file closing documents within one year of the issuance of Order No. 9. Forest Oaks subsequently file status updates and a bill of sale on December 29, 2015. Staff was instructed to file a recommendation on the sufficiency of the closing documents within 30 days of the filing of the closing documents.

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II. RECOMMENDATION

As detailed in the attached memorandum of Emily Sears and Komal Patel of the Water Utilities Division (Attachment A), Staff recommends that closing documents filed by Applicant be deemed sufficient.

III. PREPROPOSED PROCEDURAL SCHEDULE

Staff proposes the following procedural schedule:

Deadline for parties and Staff to file a joint proposed notice of approval	April 7, 2016
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III. CONCLUSION

Staff respectfully requests that the ALJ issue an order consistent with the above recommendation.

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director
Legal Division

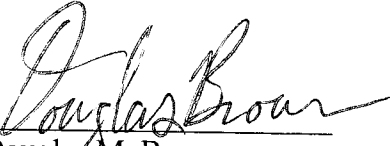
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DOCKET NO. 44512
CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on January 27, 2016 in accordance with 16 TAC § 22.74.



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, Financial Analyst
Water Utilities Division

Date: January 8, 2016

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).

On September 28, 2015, Order No. 9 gave Staff 30 days to file a recommendation regarding sufficiency of the filing of the Applicant's proof that the sale/transfer was consummated and evidence that customer deposits (if any) were addressed.

On December 29, 2015, the Applicant filed its Bill of Sale signed by both Forest Oaks Mobile Homes, LLC and Oak Forest Highlands, Inc. The Bill of Sale included the transfer of customer deposits. After a review of these documents by Staff, it was determined that they are sufficient to meet the requirements in 16 TAC 24.109(g).

Staff will now prepare the final maps, certificate and tariff and also to send and receive the consent forms and prepare a final recommendation.