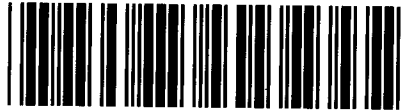


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Item Number: 11

Addendum StartPage: 0

APPLICATION OF TERRA §  
SOUTHWEST INC. AND TOWN OF §  
LITTLE ELM FOR SALE, §  
TRANSFER, OR MERGER OF §  
CERTIFICATE RIGHTS IN DENTON §  
COUNTY

PUBLIC UTILITY COMMISSION

OF TEXAS

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### COMMISSION STAFF'S RESPONSE TO ORDER NO. 3

COMES NOW the Staff of the Public Utility Commission of Texas, representing the public interest, and files Commission Staff's Response to Order No. 3 and would show the following:

#### I. BACKGROUND

On June 23, 2015, Terra Southwest Inc. and the Town of Little Elm filed an application for the sale, transfer, or merger of facilities and certificate of convenience and necessity (CCN) rights in Denton County.<sup>1</sup> In the application, Terra Southwest proposes to transfer a portion of its existing water utility CCN containing the Hilltown subdivision from Terra Southwest CCN No. 11608 to the Town of Little Elm CCN No. 11202. On September 22, 2015, the administrative law judge (ALJ) in Order No. 3 set a deadline of October 19, 2015 for the Applicants to file affidavits attesting to notice, and for Staff to file by October 26, 2015 an updated procedural schedule. This pleading is therefore timely filed.

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<sup>1</sup> *Application of Terra Southwest Inc. and Town of Little Elm for Sale, Transfer, or Merger of Certificate Rights in Denton County* (June 23, 2015).

## II. PROCEDURAL SCHEDULE

Staff has reviewed proof of notice and finds it sufficient. Staff therefore proposes the following procedural schedule:

Event	Date
Date Sufficient Application filed	September 18, 2015
Deadline for intervention; deadline for intervenors to file comments or request a hearing on the merits.	Friday, November 13, 2015 <sup>2</sup>
Deadline for Staff to request a hearing or file a recommendation on approval of the sale and on the CCN amendment.	Tuesday, January 12, 2015
Deadline for parties to file a response to Staff's recommendation.	Tuesday, January 19, 2015
Expiration of 120-day deadline for Commission action on STM (approval or denial of sale/transfer to proceed) pursuant to P.U.C. SUBST. R. 24.109(e). <sup>3</sup>	Thursday, February 11, 2016

If the Commission administrative law judge (ALJ) determines on or before February 11, 2016 that the STM should be approved, Staff will at that point propose additional dates for the processing of this docket, such as a deadlines for signed sales documents to be submitted, submittal of a final recommendation by Staff, and submittal of a joint proposed order.

## III. CONCLUSION

Staff recommends that Staff's proposed procedural schedule be adopted.

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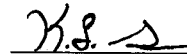
<sup>2</sup> Pursuant to 16 TAC § 24.106(a)(3), the intervention deadline is 30 days after the mailing or publication of notice, whichever occurs later. The Commission did not require published notice pursuant to 16 TAC § 24.112(c)(2). Therefore, 30 days after October 14, 2015 is Friday, November 13, 2015.

<sup>3</sup> Pursuant to 16 TAC § 24.109, the deadline for Commission action is 120 days after the later of either when the application is filed, when notice was mailed, or when notice is published. One hundred and twenty days after October 14, 2015 is Thursday, February 11, 2016.

Respectfully Submitted,

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Division Director  
Legal Division

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Managing Attorney  
Legal Division



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**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on October 23, 2015, in accordance with 16 TAC § 22.74.



Katherine Lengieza Gross