



Control Number: 44870



Item Number: 15

Addendum StartPage: 0

DOCKET NO. 44870

2016 JAN 14 AM 11:51

PUBLIC UTILITY COMMISSION
FILING CLERK

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

**ORDER NO. 5
APPROVING SALE/TRANSFER TO PROCEED**

On June 23, 2015, Terra Southwest Inc. (Terra Southwest) and the Town of Little Elm (Little Elm) (collectively, Applicants) filed an application for the sale, transfer, or merger of facilities and certificate rights in Denton County. Terra Southwest proposes to transfer a portion of its existing water utility certificate of convenience and necessity (CCN) No. 11608 containing the Hilltown subdivision to Little Elm's CCN No. 11202.

On January 12, 2016, Commission Staff recommended, following a review of the application, in combination with the supplemental filings, that Applicants be allowed to proceed with this transaction and that Applicants shall promptly provide the final sale documents so that final mapping can be contemplated.

Consistent with Commission Staff's recommendation, the sale/transfer transaction between Terra Southwest and Little Elm may proceed and be consummated. As soon as possible after the effective date of the transaction, but not later than 30 days after the effective date of the transaction, Applicants shall file proof that the sale/transfer has been consummated and customer deposits addressed. Applicants have one year to complete the transaction. Pursuant to 16 Tex. Admin. Code § 24.112(e), if the transaction is not consummated within this period, or an extension granted, this approval is void and Applicants will have to reapply for approval of the sale. Applicants are advised that Terra Southwest's CCN No. 11608 will not be amended to remove the proposed service area until the sale and transfer transaction is complete in accordance with the Commission's rules.

In an effort to finalize this case as soon as possible, beginning **February 18, 2016**, and continuing monthly thereafter, Applicants shall file an update regarding the status of the efforts to conclude the transaction and submit documents evidencing the transaction was consummated.

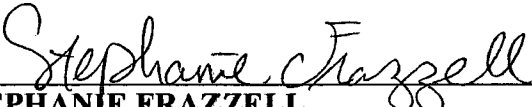
15

Deadline for Applicants to respond to Commission Staff's final recommendation	January 19, 2016
120-day deadline for the Commission to grant, deny, or refer to a hearing (120 days following the last date of notice, i.e. October 14, 2015)	February 11, 2016
Deadline for Applicant to file closing documents if they are approved to proceed with the proposed transaction	One year from the approval of the transaction
Schedule for Applicants to file status updates until the closing documents are received and deemed sufficient if the proposed transition is approved	Every 30 days, beginning February 18, 2016

Within 30 days following the filing of Applicants' proof that the sale/transfer has been consummated and customer deposits (if any) have been addressed, Commission Staff shall file a recommendation regarding the sufficiency of the documents and propose a schedule for the continued processing of this docket.

SIGNED AT AUSTIN, TEXAS the 14th day of January 2016.

PUBLIC UTILITY COMMISSION OF TEXAS


STEPHANIE FRAZZELL
ADMINISTRATIVE LAW JUDGE