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DOCKET NO. 45026

APPLICATION OF T. JOHNSON INDUSTRIES AND WATER NECESSITIES, INC. FOR SALE, TRANSFER, OR MERGER OF FACILITIES AND CERTIFICATE RIGHTS IN HARDIN COUNTY	§ § § § § § §	PUBLIC UTILITY COMMISSION 2015 OCT 23 PM 1:14 OF TEXAS PUBLIC UTILITY COMMISSION FILING CLERK
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COMMISSION STAFF'S RESPONSE TO ORDER NO. 2

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this Response to Order No. 2. In support thereof, Staff shows the following:

I. BACKGROUND

On August 6, 2015, T. Johnson Industries (TJI) and Water Necessities, Inc. (WNI) (collectively, Applicants) filed an application for sale, transfer, or merger of facilities and certificate rights in Hardin County. Specifically, WNI seeks approval to acquire all of the water assets of TJI. On September 8, 2015, the Administrative Law Judge (ALJ) issued Order No. 2 finding the application and proposed notice sufficient. Order No. 2 also required Staff to file an additional procedural schedule with hard deadlines by October 23, 2015. Therefore, this pleading is timely filed.

II. NOTICE

Applicants filed the Affidavit of Notice and Publisher's Affidavit on October 22, 2015.¹ Staff has reviewed the affidavits and recommends that the Applicants provided sufficient proof of mailed notice, but provided insufficient proof of published notice. According to the Publisher's Affidavit, the notice was published in the newspaper on September 30, 2015. However, under 16 TAC § 24.112(c)(2), when published notice is required, it should be published "once each week for two consecutive weeks in a newspaper of general circulation in the area in which the retail public utility being transferred is located." Therefore, Staff recommends that Applicants be required to either provide evidence that they published notice for

¹ Applicants mailed the Affidavit of Notice directly to Staff, and Staff received it on September 30, 2015. Staff advised Applicants to file it with the Commission. Staff also has attached a copy as Attachment A.

two consecutive weeks, or else publish notice in the newspaper for two consecutive weeks. Staff further recommends that Applicants be given until December 1, 2015 to cure the published notice issue and Staff be given until December 8, 2015 to file an additional procedural schedule for the remainder of the proceeding.

III. CONCLUSION

Staff respectfully requests that the ALJ issue an order consistent with this Response.

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director
Legal Division

Stephen Mack
Managing Attorney
Legal Division

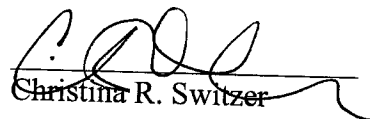


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CERTIFICATE OF SERVICE

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.



Christina R. Switzer