

Control Number: 45026



Item Number: 14

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<p>APPLICATION OF T. JOHNSON INDUSTRIES AND WATER NECESSITIES, INC. FOR SALE, TRANSFER, OR MERGER OF FACILITIES AND CERTIFICATE RIGHTS IN HARDIN COUNTY</p>	<p>§ § § § § §</p>	<p>PUBLIC UTILITY COMMISSION OF TEXAS</p>
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**COMMISSION STAFF’S RESPONSE TO ORDER NO. 3
PROPOSED SUPPLEMENTAL PROCEDURAL SCHEDULE**

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this Proposed Supplemental Procedural Schedule. 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 October 27, 2015, the Administrative Law Judge (ALJ) found mailed notice sufficient and complete, but published notice deficient. The ALJ required Applicants to provide evidence that notice was published for two consecutive weeks or to publish notice in the newspaper for two consecutive weeks. Under Order No. 3, Staff is required to file a supplemental procedural schedule by December 8, 2015. Therefore, this pleading is timely filed.

II. PROPOSED SUPPLEMENTAL PROCEDURAL SCHEDULE

Applicants filed the Affidavit of Publication on December 7, 2015. The Affidavit of Publication indicates that notice was published on November 4 and November 11, 2015. Staff has reviewed the Affidavit of Publication and recommends that it is sufficient. Consistent with 16 Tex. Admin. Code § 24.109(a), Staff has calculated the 120-day deadline from the last date of published notice, November 11, 2015. Therefore, Staff recommends the following procedural schedule.

Event	Date
Last date of published notice	November 11, 2015
Proposed Procedural Schedule	Date

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Deadline for parties other than the Commission Staff to file comments, intervene, or request a hearing on the merits	December 11, 2015
Deadline for Commission Staff to request a hearing or file a recommendation on final disposition	February 19, 2015
Expiration of the 120-day deadline for Commission action pursuant to 16 TAC § 24.109(e)	March 10, 2015

IV. CONCLUSION

Staff respectfully requests the entry of an order consistent with the above recommendation.

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director
Legal Division

Stephen Mack
Managing Attorney
Legal Division

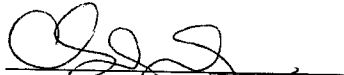


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DOCKET NO. 45026

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on December 8, 2015, in accordance with 16 TAC § 22.74.



Christina R. Switzer