



Control Number: 45212



Item Number: 25

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APPLICATION OF KEMPNER WATER §
SUPPLY CORPORATION AND CITY §
OF COPPERAS COVE FOR SALE, §
TRANSFER, OR MERGER OF §
FACILITIES AND CERTIFICATE §
RIGHTS IN CORYELL COUNTY §
(BRADFORD OAKS RANCH §
SUBDIVISION) §

PUBLIC UTILITY COMMISSION

2016 JUL -8 AM 9:04

PUBLIC UTILITY COMMISSION
FILING CLERK

OF TEXAS

**COMMISSION STAFF'S RECOMMENDATION FINDING NOTICE SUFFICIENT AND
PROPOSED PROCEDURAL SCHEDULE**

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this Response to Order No. 7 and Recommendation Finding Notice Sufficient and Proposed Procedural Schedule. In support thereof, Staff shows the following:

I. Background

On September 30, 2015, Kempner Water Supply Corporation (Kempner) and the City of Copperas Cove (the City) (together the Applicants) filed an application for approval of a sale, transfer, or merger (STM) of facilities and certificate rights in Coryell County. The parties seek approval to transfer portions of Kempner's water certificate of convenience and necessity (CCN) No. 10456 and associated facilities to the City and amend the City's CCN No. 10449 accordingly. This application affects approximately 112 acres and 27 current customers in the Bradford Oaks Ranch Subdivision.

On June 1, 2016, Order No. 7 was issued deeming the application administratively complete and requiring the Applicants to file proof of notice by June 28, 2016. Order No. 5 also required Staff to file a recommendation on proof of notice and an additional procedural schedule for the remainder of the proceeding by July 8, 2016. Accordingly, this pleading is timely filed.

II. Recommendation on Sufficiency of Notice and Proposed Procedural Schedule

On June 15, 2016, the Applicants filed proof of notice. Staff has reviewed the proof of notice and finds it sufficient. Staff therefore proposes the following procedural schedule:

Event	Date
Notice completed	June 9, 2016
Deadline for intervention; deadline for intervenors to file comments or request a hearing on the merits.	July 11, 2016 ¹
Deadline for Staff to request a hearing or file a recommendation on the approval of the sale and on the CCN amendment	August 10, 2016
Deadline for parties to file a response to Staff's recommendation	August 24, 2016
Expiration of 120-day deadline for Commission action on STM (approval or denial of sale/transfer to proceed) pursuant to 16 TAC § 24.109(e).	October 7, 2016 ²

III. Conclusion

Staff respectfully requests that an order be issued consistent with this Recommendation.

¹ Pursuant to 16 TAC § 24.106(a)(3), the intervention deadline is 30 days after the mailing or publication of notice, whichever occurs later. Notice was mailed on June 9, 2016. Therefore, 30 days after June 9, 2016 (latest date) is July 9, 2016, a Saturday. The next business day is July 11, 2016.

² 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 June 9, 2016 is October 7, 2016.


Dated: July 8, 2016

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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DOCKET NO. 45212

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on July 8, 2016,
in accordance with 16 TAC § 22.74.

Ralph J. Daigneault w/permission

Ralph J. Daigneault