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DOCKET NO. 46150

RECEIVED

APPLICATION OF PK-RE
DEVELOPMENT COMPANY, INC. DBA
OAK SHORES WATER SYSTEM AND
UNDINE DEVELOPMENT, LLC FOR
SALE, TRANSFER OR MERGER OF
FACILITIES AND CERTIFICATE
RIGHTS IN TRAVIS COUNTY

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PUBLIC UTILITY COMMISSION

2016 OCT - 3 PM 2: 4
PUBLIC UTILITY COMMISSION
OF TEXAS
FILING CLERK

COMMISSION STAFF'S RECOMMENDATION ON SUFFICIENCY OF NOTICE

Comes now the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files its Recommendation on Sufficiency of Notice in response to Order No. 2. In support thereof, Staff would show the following:

I. Background

On July 11, 2016, PK-RE Development Company, Inc. d/b/a Oak Shores Water System (Oak Shores) and Undine Development, LLC (Undine or Applicant) filed an application for the sale, transfer, or merger of facilities and certificate rights in Travis County. Specifically, Undine seeks approval to acquire all of the water and sewer assets of Oak Shores, including 372 acres and 220 customers. Oak Shores water and sewer certificates of convenience and necessity (CCN) Nos. 12407 and 20948 will be transferred to Undine.

In Order No. 2, issued August 11, 2016, the Administrative Law Judge (ALJ) ordered Staff to file comments regarding the sufficiency of provided notice within ten days of Undine filing proof of completed notice with the Commission. Undine filed its proof of notice on September 23, 2016. Therefore, this pleading is timely filed.

II. Staff's Recommendation

Staff has reviewed the Affidavit of Notice submitted by Applicant on September 23, 2016, and recommends that notice be found sufficient. As required by Order No. 2, on September 19, 2016, the Applicant provided notice of its application to current water and sewer customers of Oak Shores served under the CCN's to be transferred, neighboring utilities, and other specific affected parties. The Applicant also submitted a Publisher's Affidavit attesting that notice of the

application was published in the Austin American Statesman, a newspaper regularly published and generally circulated in Travis County, on September 5 and 11, 2016.

III. Proposed Procedural Schedule

Staff recommends the notice be found sufficient. Staff therefore proposes the following procedural schedule:

Event	Date
Notice completed	September 19, 2016
Deadline for intervention	October 19, 2016 ¹
Deadline for Staff to request a hearing or file a recommendation on the approval of the sale and on the CCN amendment	November 18, 2016
Deadline for parties to file a response to Staff's recommendation	December 2, 2016
120 day deadline for the Commission to approve the sale or require a hearing	January 13, 2017 ²

IV. Conclusion

Staff respectfully requests the ALJ issue an order deeming Applicant's notice sufficient and adopting the above proposed procedural schedule.

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 September 19, 2016, and published on September 5 and 11, 2016. Therefore, 30 days after September 19 is October 19, 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 September 19, 2016, is January 13, 2017.

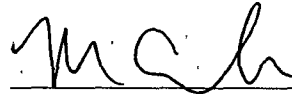
Dated: October 3, 2016

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
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 3, 2016, in accordance with 16 TAC § 22.74.



Michael Crnich