



Control Number: 46168



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DOCKET NO. 46168

RECEIVED

APPLICATION OF LAS PLAYA AND §
SIMPLY AQUATICS, INC. FOR SALE, §
TRANSFER, OR MERGER OF §
FACILITIES AND CERTIFICATE §
RIGHTS IN SAN AUGUSTINE §
COUNTY §

PUBLIC UTILITY COMMISSION
OF TEXAS

2016 NOV 21 AM 10:17
PUBLIC UTILITY COMMISSION
FILING CLERK

**COMMISSION STAFF'S SECOND REQUEST FOR INFORMATION
TO SIMPLY AQUATICS
QUESTION NOS. STAFF 2-1 THROUGH STAFF 2-5**

Pursuant to 16 Tex. Admin. Code Ann. § 22.144 (TAC), the Staff of the Public Utility Commission of Texas (Staff) requests that Simply Aquatics by and through its attorneys of record, provide the following information and answer the following question(s) under oath. The question(s) shall be answered in sufficient detail to fully present all of the relevant facts, within the time limit provided by the Presiding Officer or within 20 days, if the Presiding Officer has not provided a time limit. Please copy the question immediately above the answer to each question. These question(s) are continuing in nature, and if there is a relevant change in circumstances, submit an amended answer, under oath, as a supplement to your original answer. State the name of the witness in this cause who will sponsor the answer to the question and can vouch for the truth of the answer.

Provide an original and three copies of your answers to the questions to the Filing Clerk, Public Utility Commission of Texas, 1701 N. Congress Avenue, P.O. Box 13326, Austin, Texas 78711-3326.

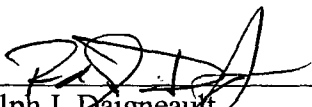
Dated: November 21, 2016

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Karen S. Hubbard
Managing Attorney



Ralph J. Daigneault
State Bar No. 24040755
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7348
(512) 936-7268 (facsimile)

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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on November 21, 2016, in accordance with 16 TAC § 22.74.



Ralph J. Daigneault

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**COMMISSION STAFF'S SECOND REQUEST FOR INFORMATION
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QUESTION NOS. STAFF 2-1 THROUGH STAFF 2-5**

DEFINITIONS

- A. "The Company" or "you" refers to Simply Aquatics and any person acting or purporting to act on their behalf, including without limitation, attorneys, agents, advisors, investigators, representatives, employees or other persons.
- B. "Document" includes any written, recorded, or graphic matter, however produced or reproduced, including but not limited to correspondence, telegrams, contracts, agreements, notes in any form, memoranda, diaries, voice recording tapes, microfilms, pictures, computer media, work papers, calendars, minutes of meetings or other writings or graphic matter, including copies containing marginal notes or variations of any of the foregoing, now or previously in your possession. In the event any documents requested by this Request for Information have been transferred beyond the Company's control, describe the circumstances under which the document was destroyed or transferred and provide an exact citation to the subject document. In the event that documents containing the exact information do not exist, but documents do exist which contain portions of the required information or which contain substantially similar information, then the definition of "documents" shall include the documents which do not exist and these documents will be provided.

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QUESTION NOS. STAFF 2-1 THROUGH STAFF 2-5**

INSTRUCTIONS

- 1) Pursuant to 16 TAC § 22.144(c)(2), Staff requests that answers to the requests for information be made under oath.
- 2) Please copy the question immediately above the answer to each question. State the name of the witness in this cause who will sponsor the answer to the question and can vouch for the truth of the answer.
- 3) These questions are continuing in nature, and if there is a relevant change in circumstances, submit an amended answer, under oath, as a supplement to your original answer.
- 4) Words used in the plural shall also be taken to mean and include the singular. Words used in the singular shall also be taken to mean and include the plural.
- 5) The present tense shall be construed to include the past tense, and the past tense shall be construed to include the present tense.
- 6) If any document is withheld under any claim of privilege, please furnish a list identifying each document for which a privilege is claimed, together with the following information: date, sender, recipients or copies, subject matter of the document, and the basis upon which such privilege is claimed.
- 7) Pursuant to 16 TAC § 22.144(g)(4), if the response to any request is voluminous, please provide a detailed index of the voluminous material.
- 8) Staff requests that each item of information be made available as it is completed, rather than upon completion of all information requested.

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**COMMISSION STAFF'S SECOND REQUEST FOR INFORMATION
TO SIMPLY AQUATICS
QUESTION NOS. STAFF 2-1 THROUGH STAFF 2-5**

- Staff 2-1 Provide the annual debt service by payee for long term debt for 2015, 2016, and projected for 2017 and 2018.
- Staff 2-2 Provide 5 year operations and maintenance projections.
- Staff 2-3 16 TAC § 24.11(e)(3) requires the owner/operator to demonstrate there is sufficient cash available to cover any projected operations and maintenance shortages in the first five years of operation. Please provide documentation, or demonstrate how Simply Aquatics plans to cover the losses.
- Staff 2-4 Demonstrate how Simply Aquatics meets the Financial Leverage test required in 16 TAC § 24.11(e).
- Staff 2-5 Advise if Simply Aquatics would be able to obtain Financial Assurance if it cannot meet the Financial Leverage test.