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DOCKET NO. 46168

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

PUBLIC UTILITY COMMISSION  
PUBLIC UTILITY COMMISSION  
FILING CLERK  
OF TEXAS

**COMMISSION STAFF'S RECOMMENDATION FINDING NOTICE SUFFICIENT**

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this Response to Order No. 5, Recommendation Finding Notice Sufficient. In support thereof, Staff shows the following:

**I. Background**

On July 14, 2016, La Playa Subdivision Water System (La Playa) and Simply Aquatics, Inc. (Simply Aquatics) (collectively the Applicants) filed an application for the sale, transfer, or merger of facilities and certificate rights in San Augustine County. Specifically, Simply Aquatics seeks approval to acquire the water system assets, customers and a portion of the certificated service area including the La Playa Subdivision, Public Water System (PWS) No. 2030015. The La Playa Subdivision is a part of the Sam Rayburn Water, Inc. (Sam Rayburn Water) utility, which holds Certificate of Convenience and Necessity (CCN) No. 11707. If approved, Simply Aquatics will be issued a new water CCN to serve the area formerly covered by CCN No. 11707 for the La Playa Subdivision and Sam Rayburn Water's CCN No. 11707 will be amended accordingly. The total area being requested includes approximately 25 acres and serves 21 current customers.

On January 30, 2017, Order No. 5 was issued requiring the Applicants to file an affidavit of notice and a copy of the actual notice issued by March 14, 2017. On February 27, 2017, the Applicants filed an affidavit of notice and a copy of the actual notice issued. Order No. 5 also required Staff to file a recommendation on the sufficiency of notice within 10 working days of the Applicants filing proof of completed notice. Accordingly, this pleading is timely filed.

## II. Recommendation on Notice

Staff has reviewed the proof of notice in accordance with Tex. Water Code Ann. § 13.301 (TWC) and 16 Tex. Admin. Code § 24.109 (TAC) and, as supported by the attached memorandum from Patricia Garcia, Engineer with the Water Utilities Division, recommends that notice be deemed sufficient. On February 27, 2017, the Applicants filed an affidavit of notice and a copy of the actual notice issued, indicating that notice was mailed on February 20, 2017.

## III. Proposed Procedural Schedule

Staff proposes the following procedural schedule:

Event	Date
Notice completed	February 20, 2017
Deadline for intervention	March 22, 2017 <sup>1</sup>
Deadline for Staff to request a hearing or file a recommendation on the approval of the sale and on the CCN amendment	April 21, 2017
Deadline for parties to file a response to Staff's recommendation	May 5, 2017
120 day deadline for the Commission to approve the sale or require a hearing	June 20, 2017 <sup>2</sup>

## IV. Conclusion

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

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<sup>1</sup> 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 February 20, 2017. Therefore, 30 days after February 20, 2017 is March 22, 2017.

<sup>2</sup> 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 February 20, 2017 is June 20, 2017."


**Dated: March 13, 2017**

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

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Karen S. Hubbard  
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**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on March 13, 2017, in accordance with 16 TAC § 22.74.

  
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Ralph J. Daigneault

## PUC Interoffice Memorandum

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**To:** Ralph Daigneault  
Legal Division

**Thru:** Tammy Benter, Director  
Heidi Graham, Manager  
Lisa Fuentes, Manager  
Water Utilities Division

**From:** Patricia Garcia, Engineering Specialist  
Water Utilities Division

**Date:** March 7, 2017

**Subject:** **Docket 46168**, *Application of La Playa Subdivision Water System and Simply Aquatics, Inc. for Sale, Transfer or Merger of Facilities and Certificate Rights in San Augustine County*

On July 14, 2016, Simply Aquatics, Inc., (Simply Aquatics or Purchaser) and Don Johnson (Seller), (collectively Applicants), filed an application for the sale, transfer, or merger of facilities and certificate rights in San Augustine County, Texas pursuant to Texas Water Code Ann. § 13.301 (TWC) and the 16 Tex. Admin. Code §§ 24.109 and 24.112 (TAC). Specifically, Simply Aquatics seeks approval to acquire the water system assets including the La Playa Subdivision Public Water System (PWS) ID No. 2030015, customers and service area. The La Playa Subdivision is a part of the Sam Rayburn Water, Inc., (Sam Rayburn Water) utility, which holds Certificate of Convenience and Necessity (CCN) No. 11707. If approved, Simply Aquatics will be issued a new water CCN to serve the La Playa Subdivision and Sam Rayburn Water's CCN No. 11707 will be amended accordingly.

In response to Order No. 5, the Applicant provided public notice to customers, neighboring systems, and affected parties in San Augustine County. An affidavit stating that the notice was provided to all affected parties was filed with the PUC on February 27, 2017. Staff reviewed the notice submitted along with the affidavit and recommends they be deemed sufficient.