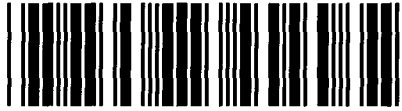




Control Number 46168



Item Number 5

Addendum StartPage 0

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  
2016 AUG 15 PM 2:08  
PUBLIC UTILITY COMMISSION  
OF TEXAS  
REGULATORY CLERK

**COMMISSION STAFF'S RECOMMENDATION FINDING APPLICATION ADMINISTRATIVELY INCOMPLETE**

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this Response to Order No. 1 and Recommendation Finding Application Administratively Incomplete. In support thereof, Staff shows the following:

**I. Background**

On July 14, 2016, Las Playa Subdivision Water System (Las Playa) and Simply Aquatics, Inc. (Simply Aquatics) 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 all of the water system assets of Las Playa held under water certificate of convenience and necessity (CCN) number 11707.<sup>1</sup> and the certificate itself. The total area being requested includes approximately 25 acres and serves 21 current customers.

On July 18, 2016, Order No. 1 was issued requiring Staff to file comments on the administrative completeness of the application and proposed notice and propose a procedural schedule by August 15, 2016. Accordingly, this pleading is timely filed.

**II. Recommendation on Administrative Sufficiency**

Staff has reviewed the application and notice in accordance with Tex. Water Code Ann. § 13.301 (TWC) and 16 Tex. Admin. Code §§ 24.8, 24.109 and 24.112 (TAC) and, as supported by the attached memorandum from Patricia Garcia, Engineer and Tracy Montes, GIS Specialist with

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<sup>1</sup> The application and Order No. 1 incorrectly identify the CCN number as 11701. Las Playa's correct CCN number is 11707.

the Water Utilities Division, Staff recommends that the application be deemed administratively incomplete and deficient in mapping content. Pursuant to 16 TAC § 24.8(a), applications are not considered filed until a determination of administrative completeness is made. In order to continue processing the application, Staff recommends Simply Aquatics provide the following requested information:

**Application Content:**

- 1) The CCN Number provided on the application is incorrect. Please file a revised application page No. 2 of 23 reflecting the correct CCN No. 11707.
- 2) File a copy of the most recent Texas Commission on Environmental Quality (TCEQ) inspection report for La Playa Subdivision Water System, TCEQ Public Water System ID No. 2030015.
- 3) File a copy of the 'Certification of Account Status' for Simply Aquatics. This 'Certification of Account Status' can be obtained from:

Texas Comptroller of Public Accounts  
P.O. Box 13528, Capitol Station  
Austin, Texas 78711  
1-800-252-5555

**Mapping Content:**

- 1) Provide a small scale (general location) map showing only the proposed area with enough detail to be accurately located in the vicinity of the nearest town, city, or county
- 2) Provide a large scale (detailed) map showing only the proposed area with enough detail to be accurately located in reference to verifiable man-made and/or natural landmarks such as roads, railroads, and rivers.
- 3) File a complete list of entities within a two (2) mile buffer of the proposed area.

Staff's review of STM applications is a meticulous, time intensive practice, and Staff has limited resources to process this kind of application. Simply Aquatics has the burden of providing the required information with its application in a timely manner. Processing of the application cannot proceed until the requested items are received and reviewed. In order to afford Staff the opportunity to provide a thorough analysis of this application, Staff respectfully recommends that Simply Aquatics cure the deficiencies in its application by September 15, 2016 and that Staff be required to provide a supplemental recommendation by October 17, 2016.

### **III. Proposed Procedural Schedule**

Due to the deficiencies in the application, Staff does not recommend a procedural schedule for the evaluation of the merits at this time. Staff recommends that Simply Aquatics cure the deficiencies in its application by September 15, 2016 and that Staff be required to provide a supplemental recommendation by October 17, 2016.

### **IV Conclusion**

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

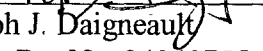
**Dated: August 15, 2016**

Respectfully Submitted,

#### **PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION**

Margaret Uhlig Pemberton  
Division Director

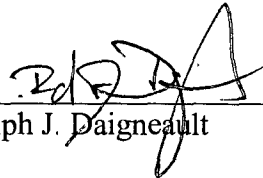
Karen S. Hubbard  
Managing Attorney

  
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Ralph J. Daigneault  
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1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326  
(512) 936-7348  
(512) 936-7268 (facsimile)

**DOCKET NO. 46168**

**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on August 15, 2016, in accordance with 16 TAC § 22.74.

  
\_\_\_\_\_  
Ralph J. Daigneault

## PUC Interoffice Memorandum

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**To:** Ralph Daigneault  
Legal División

**Thru:** Tammy Benter, Director  
Lisa Fuentes, Work Lead  
Water Utilities Division

**From:** Patricia Garcia, Staff Engineer  
Tracy Montes, GIS Specialist  
Water Utilities Division

**Date:** August 15, 2016

**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), owner of the La Playa Subdivision, 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, customers and service area of the La Playa Subdivision, Public Water System (PWS) No. 2030015. The La Playa subdivision is a part of the Sam Rayburn Water utility which holds Certificate of Convenience and Necessity (CCN) No. 11707. If approved, Simply Aquatics will be issued a water CCN to serve the area formerly covered by CCN No. 11707 and Sam Rayburn Water's CCN No. 11707 will be amended.

Staff has reviewed the application and recommends that the application be found administratively incomplete and insufficient for filing. Staff recommends the Applicants address the items listed below in order to proceed with the application process.

### Application Content

- 1) The CCN Number provided on the application is incorrect. Please file a revised application page No. 2 of 23 reflecting the correct CCN No. 11707.
- 2) File a copy of the most recent Texas Commission on Environmental Quality (TCEQ) inspection report for La Playa Subdivision Water System, TCEQ Public Water System ID No. 2030015.
- 3) File a copy of the 'Certification of Account Status' for Simply Aquatics. This 'Certification of Account Status' can be obtained from:

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P.O. Box 13528, Capitol Station  
Austin, Texas 78711  
1-800-252-5555

### **Mapping Content**

- 1) Provide a small scale (general location) map showing only the proposed area with enough detail to be accurately located in the vicinity of the nearest town, city, or county
- 2) Provide a large scale (detailed) map showing only the proposed area with enough detail to be accurately located in reference to verifiable man-made and/or natural landmarks such as roads, railroads, and rivers.
- 3) File a complete list of entities within a two (2) mile buffer of the proposed area.

Staff recommends Simply Aquatics contact Tracy Montes for guidance resolving these mapping deficiencies.