

Control Number: 46169



Item Number: 29

Addendum StartPage: 0

DOCKET NO. 46169

APPLICATION OF EL PINON WATER §
SUPPLY AND SIMPLY AQUATICS, §
INC. FOR SALE, TRANSFER, OR §
MERGER OF FACILITIES AND §
CERTIFICATE RIGHTS IN SAN §
AUGUSTINE COUNTY §

PUBLIC UTILITY COMMISSION
OF TEXAS

RECEIVED
2017 JUN 13 PM 2:09
PUBLIC UTILITY COMMISSION
FILING CLERK

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. 7 and Recommendation Finding Notice Sufficient. In support thereof, Staff shows the following:

I. Background

On July 14, 2016, El Pinon Water Supply (El Pinon) 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 all of the water system assets of El Pinon held under water certificate of convenience and necessity (CCN) No. 12206, and the certificate itself. The total area being requested includes approximately 69 acres and serves 76 current customers.

On April 27, 2017, Order No. 7 was issued requiring the Applicants to file an affidavit of notice and a copy of the actual notice issued by June 13, 2017. On May 30, 2017, the Applicants filed an affidavit of notice and on June 12, 2017, the Applicants filed a copy of the actual notice issued. Order No. 7 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.

III. Proposed Procedural Schedule

Staff proposes the following procedural schedule:

Event	Date
Notice completed	May 17, 2017
Deadline for intervention	June 16, 2017 ¹
Deadline for Staff to request a hearing or file a recommendation on the approval of the sale and on the CCN amendment	July 17, 2017
Deadline for parties to file a response to Staff's recommendation	July 31, 2017
120 day deadline for the Commission to approve the sale or require a hearing	September 14, 2017 ²

IV. 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 May 17, 2017. Therefore, 30 days after May 17, 2017 is June 16, 2017.

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 May 17, 2017 is June 20, 2017.”

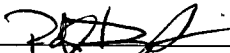
Dated: June 13, 2017

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Karen S. Hubbard
Managing Attorney

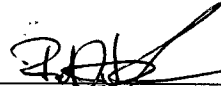


Ralph J. Daigneault
State Bar No. 24040755
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7348
(512) 936-7268 (facsimile)
ralph.daigneault@puc.texas.gov

DOCKET NO. 46169

CERTIFICATE OF SERVICE

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



Ralph J. Daigneault

PUC Interoffice Memorandum

To: Ralph Daigneault
Legal Division

Thru: Lisa Fuentes, Manager
Water Utilities Division

From: Patricia Garcia, Engineering Specialist
Water Utilities Division

Date: June 13, 2017

Subject: **Docket 46169**, *Application of El Pinon Water Supply 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 El Pinon Water Supply (El Pinon or 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 (TAC). Specifically, Simply Aquatics seeks approval to acquire facilities, customers and service area under El Pinon's Certificate of Convenience and Necessity (CCN) No. 12206. If approved, Simply Aquatics will be issued a water CCN and CCN No. 12206 will be cancelled.

In response to Order No. 7, 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 May 30, 2017. A copy of the notice provided to all affected parties was filed with the PUC on June 12, 2017. Staff reviewed the notice and affidavit submitted along and recommends they be deemed sufficient.