

Control Number: 46169



Item Number: 35

Addendum StartPage: 0

**DOCKET NO. 46169**

RECORDED  
2017 JUN 09 5:10:57  
P...

**APPLICATION OF EL PINION WATER § PUBLIC UTILITY COMMISSION**  
**SUPPLY AND SIMPLY AQUATICS, §**  
**INC. FOR SALE, TRANSFER OR § OF TEXAS**  
**MERGER OF FACILITIES AND §**  
**CERTIFICATE RIGHTS IN SAN §**  
**AUGUSTINE COUNTY §**

**COMMISSION STAFF'S RECOMMENDATION ON CLOSING DOCUMENTS**

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this recommendation on closing documents. 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. If approved, Simply Aquatics will be issued a water CCN and CCN No. 12206 will be cancelled. The total area being requested includes approximately 69 acres and serves 76 current customers.

On June 6, 2017, Order No. 9 was entered permitting the transaction proposed in the application to proceed and instructed the parties to provide documentation that all assets were transferred, and that the disposition of any remaining deposits were addressed pursuant to 16 TAC § 24.109(f). On August 9, 2017, El Pinon filed a Bill of Sale and statement that all records and deposits had been turned over to Simply Aquatics.

**II. Recommendation**

As supported by the attached memorandum from Patricia Garcia, Engineer with the Water Utility Regulation Division, Staff has reviewed the documents and recommends they be found sufficient pursuant to 16 Tex. Admin. Code § 24.109 (TAC).

35

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

Staff recommends the following procedural schedule be adopted for the continued processing of this docket:

<b>Event</b>	<b>Date</b>
Deadline for Staff to provide final maps and certificates to Applicants for review and consent.	September 13, 2017
Deadline for Applicant to provide signed consent forms with the Commission	September 27, 2017
Deadline for Commission Staff to file a final recommendation on the Application	October 17, 2017
Deadline for parties to file joint proposed findings of fact and conclusions of law.	October 25, 2017

### **IV. Conclusion**

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

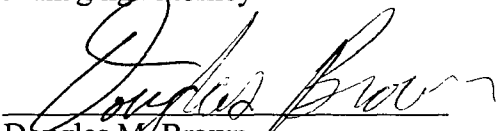
**Dated: August 23, 2017**

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Margaret Uhlig Pemberton  
Division Director


Stephen Mack  
Managing Attorney

  
\_\_\_\_\_  
Douglas M. Brown  
State Bar No. 24048366  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326  
(512) 936-7203 / (512) 936-7268 (facsimile)

**DOCKET NO. 46169**

**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on August 23, 2017, in accordance with 16 TAC § 22.74.

  
\_\_\_\_\_  
Douglas M. Brown

**Public Utility Commission of Texas**  
**Memorandum**

**To:** Douglas Brown  
Legal Division

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

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

**Date:** August 24, 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.

Pursuant to 16 TAC § 24.109(f), Staff recommended that the transaction proceed as proposed and Order No 33, issued August 3, 2017, requested that the Applicants provide documentation, as evidence, that all assets were transferred to the acquiring entity, and that the disposition of any remaining deposits were addressed pursuant to 16 TAC § 24.109(f).

On August 9, 2017, Simply Aquatics a bill of sale indicating all assets, records and deposits were transferred to Simply Aquatics. The letter was signed by the seller, Curtis White, and the owner of Simply Aquatics, Kevin Hester.

Staff has reviewed the bill of sale document and finds that it is sufficient to demonstrate the assets of the water system were sold to Simply Aquatics. The closing occurred within six months of the Commission's written approval of the sale.