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DOCKET NO. 46169

APPLICATION OF EL PINION 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

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COMMISSION STAFF'S REQUEST FOR EXTENSION

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this Response to Order No. 2 and Request for Extension. In support thereof, Staff shows the following:

I. Background

On July 14, 2016, El Pinion Water Supply (El Pinion) 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 El Pinion held under water certificate of convenience and necessity (CCN) No. 12206, and the certificate itself. The total area being requested includes approximately 25 acres and serves 76 current customers.

On August 16, 2016, the Administrative Law Judge (ALJ) issued Order No. 2 finding the application incomplete and deficient and requiring the Applicants to cure the deficiencies by September 15, 2016. As of the date of this filing, no such cure has been filed. Order No. 2 also required Staff to file additional comments on the administrative completeness of the application and proposed notice and to propose a procedural schedule by October 17, 2016. Accordingly, this pleading is timely filed.

II. Staff's Request for Extension

Pursuant to 16 Tex. Admin. Code § 22.4(b) (TAC), Staff may request the time for filing any documents be extended for good cause. Staff continues to work with the Applicants to determine the appropriate procedure for processing this application. The Applicants are in the process of supplementing the application, but need additional time to gather necessary information

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identified by Staff. Therefore, Staff requests the ALJ find good cause to extend the deadline for the Applicants to amend the application and Staff to file comments regarding the administrative completeness of the application and proposed notice. Staff has conferred with the Applicants, who support this request.

III. Proposed Procedural Schedule

Staff recommends the Applicants be given until September 30, 2016 to supplement the application or file a status report. If the application is supplemented, Staff proposes a deadline of October 28, 2016 to file comments regarding the administrative completeness of the application, along with a proposed procedural schedule.

IV. Conclusion

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


Dated: September 29, 2016

Respectfully Submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on September 29, 2016, in accordance with 16 TAC § 22.74.



Ralph J. Daigheault