



Control Number: 46170



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APPLICATION OF VISTA VERDE §
WATER SYSTEMS INC. AND SIMPLY §
AQUATICS, INC. FOR SALE, §
TRANSFER, OR MERGER OF §
FACILITIES AND CERTIFICATE §
RIGHTS IN MONTGOMERY COUNTY §

PUBLIC UTILITY COMMISSION
OF TEXAS

COMMISSION STAFF'S REQUEST FOR CLARIFICATION

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

I. Background

On July 14, 2016, Vista Verde Water Systems, Inc. (Vista Verde) and Simply Aquatics, Inc. (Simply Aquatics) (collectively the Applicants) filed an application for the sale, transfer, or merger of facilities and certificate rights in Montgomery County. Specifically, Simply Aquatics seeks approval to acquire all of the water system assets of Vista Verde held under water certificate of convenience and necessity (CCN) No. 13034, and the certificate itself. The total area being requested includes approximately 346 acres and serves 45 current customers.

On January 30, 2017, Order No. 5 was issued requiring the Applicants to file an affidavit of mailed notice and a copy of the actual notice issued by March 14, 2017. On February 28, 2017, the Applicants filed an affidavit of mailed 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. Request for Clarification

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 requests clarification on the date that notice was provided. The affidavit states that notice was provided on January 17, 2017. However, Staff's Supplemental Recommendation that the Applicants be required to provide notice of the application, and proof of notice, in a manner that is consistent with Staff's pleading and as specified

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in the attached memorandum of Patricia Garcia and Tracy Montes of the Commission's Water Utility Division, using the forms attached to the memorandum, was not filed until January 27, 2017. Order No. 5 requiring notice was not issued until January 30, 2017. Without verifying the date notice was provided, an appropriate procedural schedule for continued processing of this docket cannot be not set.

Staff requests that the Applicants clarify the date that notice was provided by March 31, 2017. Staff will file a supplemental recommendation on the sufficiency of notice within 10 working days of the Applicants filing proof of completed notice, using the attached form, and clarifying the date notice was provided.

1. Conclusion

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


Dated: March 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. 46170

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.



Ralph J. Daigreault

PUBLIC UTILITY COMMISSION



AFFIDAVIT OF NOTICE TO CURRENT CUSTOMERS, NEIGHBORING UTILITIES AND
AFFECTED PARTIES
DOCKET NO. 46170

STATE OF TEXAS
COUNTY OF _____

_____ has provided individual
notice to the following entities and customers:

	DATE
_____	_____
_____	_____
_____	_____
_____	_____

OATH

I, _____, being duly sworn, file this form as
_____ (indicate relationship to applicant, that is,
owner, member of partnership, title of officer of corporation, or other authorized representative of
applicant); that in such capacity, I am qualified and authorized to file and verify such form, am
personally familiar with the notices given with this application, and have complied with all notice
requirements in the application and application acceptance letter; and that all such statements made
and matters set for therein are true and correct.

Applicant's Authorized Representative

If the applicant to this form is any person other than the sole owner, partner, officer of the applicant,
or its' attorney, a properly verified Power of Attorney must be enclosed.

Subscribed and sworn to before me this _____ day of _____, 20____,
to certify which witness my hand and seal of office.

Notary Public in and for the State of Texas

Print or Type Name of Notary Public

Commission Expires _____