

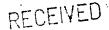
Control Number: 46170



Item Number: 31

Addendum StartPage: 0

#### P.U.C. DOCKET NO. 46170 SOAH DOCKET NO. 473-17-3687.WS



APPLICATION OF VISTA VERDE	§	PUBLIC UTILIDITY COMMISSION
WATER SYSTEMS INC. AND SIMPLY	§	PUBLIC UTILITY COMMISSION FILING CLERK
AQUATICS, INC. FOR SALE,	§	PUBLIO FILING CLERN
TRANSFER, OR MERGER OF	§	OF TEXAS
FACILITIES AND CERTIFICATE	§	
RIGHTS IN MONTGOMERY COUNTY	8	

# COMMISSION STAFF'S MOTION TO REMAND THE PROCEEDING TO THE COMMISSION

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this Motion to Remand the Proceeding to the Commission. 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 March 3, 2017, Stanley Lake Municipal Utility District (Stanley Lake) filed a protest and request for hearing, claiming that the Applicants are requesting the transfer of area that is not located within Vista Verde's certificated service area, and suggesting that the application could be "adjusted" to include the transfer of only land that is currently within Vista Verde's certificated service area and that is currently in CCN No. 13034. On April 19, 2017, an Order of Referral was issued referring this docket to the State Office of Administrative Hearings (SOAH) and stating that the Applicants shall, and the Commission Staff and any other interested party may, file with the Commission a list of issues to be addressed in the docket by May 2, 2017. Accordingly, this pleading is timely filed.

### II. Motion to Remand the Proceeding to the Commission

Staff recommends that a hearing is not necessary and requests that this proceeding be remanded to the Commission. On March 3, 2017, Stanley Lake submitted a request for hearing and "Proposed Adjustment" due to the description of the service area being larger than the actual CCN area. The description of the service area provided in the notice names only the streets located to the north, east, south and west of the CCN area to be transferred. The description of the service area does not describe the outer boundary of the CCN area. As clarified in the Staff's Supplemental Recommendations Finding Notice Sufficient and Clarification, filed on April 5, 2017, the intent of the application is to transfer only the current area under CCN No. 13034 to Simply Aquatics, namely land that is currently within Vista Verde's certificated service area. Therefore no "adjustment" to the application is needed.

On April 28, 2017, Stanley Lake filed a letter withdrawing its request for further adjustment, removing the need for a hearing. Staff requests that this proceeding be remanded to the Commission for further processing.

**Dated:** May 2, 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

## P.U.C. DOCKET NO. 46170 SOAH DOCKET NO. 473-17-3687.WS

### CÉRTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on May 2, 2017, in accordance with 16 TAC § 22.74.

Ralph J. Daigneaul