



Control Number: 46170



Item Number: 31

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RECEIVED

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

MAY 2 PM 2:05  
PUBLIC UTILITY COMMISSION  
FILING CLERK  
OF TEXAS

**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.

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**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

  
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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](mailto:ralph.daigneault@puc.texas.gov)

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

**CERTIFICATE 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.

  
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Ralph J. Daigneault