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**DOCKET NO. 46170**

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

**COMMISSION STAFF'S RECOMMENDATION ON FINAL DISPOSITION**

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this Response to Order No. 14 and Recommendation on Final Disposition. 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) number 13034 and the certificate itself. The total area being requested includes approximately 25 acres and serves 45 current customers.

On October 26, 2017, Order No. 14 was issued requiring Staff to file a final recommendation on November 10, 2017. Accordingly, this pleading is timely filed.

**II. Recommendation**

On November 2, 2017, the Applicants filed consents to the map, certificate and tariff that were provided by Staff. As supported by the attached memorandum of Patricia Garcia of the Water Utilities Division, Staff recommends that the consents are sufficient and that an order should be issued cancelling Vista Verde's CCN No. 13034 and amending Simply Aquatic's CCN No. 13259 to include the area formerly covered by CCN No. 13034..

**III. Conclusion**

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

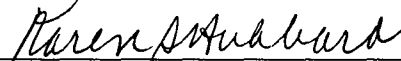
**Dated: November 6, 2017**

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

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**DOCKET NO. 46168**

**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on November 6, 2017, in accordance with 16 TAC § 22.74.



Karen S. Hubbard

# **Public Utility Commission of Texas**

## **Memorandum**

**To:** Karen Hubbard  
Legal Division

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

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

**Date:** November 2, 2017

**Subject:** **Docket 46170**, *Application of Vista Verde Water Systems, Inc. and Simply Aquatics, Inc. for Sale, Transfer, or Merger of Facilities and Certificate Rights in Montgomery County*

On July 14, 2016, Simply Aquatics, Inc., (Simply Aquatics or Purchaser) and Vista Verde Water Systems, Inc. (Vista Verde or Seller), (collectively Applicants) filed an application for the sale, transfer, or merger of facilities and certificate rights in Montgomery 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 all of the water system assets, customers and service area under Vista Verde's Certificate of Convenience and Necessity (CCN) No. 13034. If approved, Simply Aquatics' CCN No. 13259 will be amended to include the area formerly covered by CCN No. 13034 and Vista Verde's CCN No. 13034 will be cancelled.

On August 9, 2017, the Applicants filed with the Commission the sale documents to complete the sale transaction. There were no outstanding customer deposits held by Vista Verde. Approving this application and transferring the requested service area, facilities and customers of Vista Verde to Simply Aquatics is necessary for the service, accommodation, convenience and safety of the public. Simply Aquatics is capable of providing continuous and adequate service. Staff recommends approval of the application.

The Purchaser consented to the attached map, certificate, and tariff on October 3, 2017 and filed the consent form with the PUC on October 17, 2017. The Seller consented to the attached map on October 6, 2017. The consent form signed by the Seller was filed with the PUC on November 2, 2017.

Based on the above information, Staff recommends the Commission do the following:

- Issue an order amending Simply Aquatics, Inc. CCN No. 13259 to include this service area;
- Issue an order canceling the CCN No. 13034 associated with Vista Verde Water Systems, Inc.; and
- Provide the attached water tariffs, certificates and map to the Applicant.

Staff further recommends that the Applicants file certified copies of the CCN maps along with a written description of the CCN service area in the county clerk's office pursuant to TWC §§ 13.257 (r)-(s).