

Control Number: 46198



Item Number: 9

Addendum StartPage: 0

RECEIVED

APPLICATION OF SWWC UTILITIES, §
INC. DBA DIAMOND WATER COMPANY §
AND SWWC UTILITIES, INC. DBA §
WATER SERVICES, INC. FOR SALE, §
TRANSFER, OR MERGER OF §
FACILITIES AND CERTIFICATE §
RIGHTS IN BANDERA, COMAL, AND §
GILLESPIE COUNTIES §

PUBLIC UTILITY COMMISSION
2016 SEP 14 PM 2:50
OF TEXAS
PUBLIC UTILITY COMMISSION
FILING CLERK

**COMMISSION STAFF'S RECOMMENDATION THAT
NOTICE BE FOUND SUFFICIENT AND PROPOSED PROCEDURAL SCHEDULE BE
ADOPTED**

Comes now the staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this response to Order No. 2. In support thereof, Staff would show the following:

I. Background

On August 23, 2016, the Administrative Law Judge issued Order No. 2, requiring Staff to file a recommendation on the sufficiency of notice provided within 14 days of the Applicants filing proof of completed notice with the Commission. The Applicants filed proof of notice on September 1, 2016. Therefore, this pleading is timely filed.

II. Notice Sufficiency

Staff has reviewed the Applicants' proof of notice and, as supported by the attached memorandum from Emily Sears in the Commission's Water Utility Regulation Division, recommends that the provided notice be found sufficient. Applicants provided notice to the entities required by Order No. 2 and recommended in Staff's Memorandum filed August 19, 2016.

III. Proposed Procedural Schedule

Staff proposes the following procedural schedule for continued processing of this docket:

Event	Date
Notice completed	August 26, 2016
Deadline for intervention	September 26, 2016 ¹
Deadline for Staff to request a hearing or file a recommendation on approval of the sale and on the CCN amendment	October 26, 2016
Deadline for parties to file a response to Staff's recommendation	November 2, 2016
120 day deadline for the Commission to approve the sale or require a hearing ²	December 27, 2016 ³

IV. Conclusion

For the reasons detailed above and in the attached Staff Memorandum, Staff respectfully recommends that the notice be deemed sufficient. Staff also recommends that the procedural schedule proposed above be adopted.

¹ Under 16 TAC § 24.109(a), the comment period shall not be less than 30 days. Because notice was mailed on August 26, 2016, 30 days later is September 25, 2016. This date is a Sunday and thus the deadline falls on the next working day, which is September 26, 2016.

² See 16 TAC § 24.109(a)(2).

³ Under 16 TAC § 24.109(a)(2), the 120th day is Saturday, December 24, 2016. As such, the deadline falls on the next working day, which is December 27, 2016.

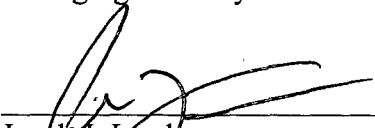
Date: September 14, 2016

Respectfully Submitted,

PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION

Margaret Uhlig Pemberton
Division Director

Stephen Mack
Managing Attorney



Jacob J. Lawler
State Bar No. 24076502
(512) 936-7275
(512) 936-7268 (facsimile)
Public Utility Commission of Texas
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326

DOCKET NO. 46198
CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on September 14, 2016 in accordance with 16 TAC § 22.74.



Jacob J. Lawler

PUC Interoffice Memorandum

To: Jacob Lawler
Legal Division

Thru: Tammy Benter, Director
Lisa Fuentes, Work Leader
Water Utilities Division

From: Emily Sears, Financial Analyst
Water Utilities Division

Date: September 12, 2016

Subject: **Docket 46198**, *Application of SWWC Utilities, Inc. dba Diamond Water Company and SWWC Utilities, Inc. dba Water Services, Inc. for Sale, Transfer, or Merger of Facilities and Certificate Rights in Bandera, Comal, and Gillespie Counties*

On July 21, 2016, SWWC Utilities Inc. dba Water Services, Inc. (Purchaser) filed with the Public Utility Commission of Texas (Commission) an application to purchase facilities and transfer and cancel all of water Certificate of Convenience and Necessity (CCN) No. 12865 of SWWC Utilities, Inc. dba Diamond Water Company (seller) (collectively, Applicants), in Bandera, Comal, and Gillespie Counties, Texas pursuant to Texas Water Code Ann (TWC), §§ 13.301 and the 16 Tex. Admin Code (TAC) §§ 24.109 and 24.112.

Staff reviewed the information provided by the Applicants in response to Order No. 2. The notice was provided to current customers, neighboring systems, cities, other affected parties in Bandera, Comal, and Gillespie Counties on August 26, 2016. Affidavit of notice was filed by the Applicants on September 1, 2016, and was sufficient.