



Control Number: 46452



Item Number: 13

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RECEIVED

APPLICATION OF ALTOGA WATER §  
 SUPPLY CORPORATION AND NORTH §  
 COLLIN SPECIAL UTILITY DISTRICT §  
 FOR SALE, TRANSFER, OR MERGER OF §  
 FACILITIES AND CERTIFICATE §  
 RIGHTS IN COLLIN COUNTY §

PUBLIC UTILITY COMMISSION

2017 JAN -5 PM 12:01

OF TEXAS

PUBLIC UTILITY COMMISSION  
FILING CLERK

**COMMISSION STAFF'S RESPONSE TO ORDER NO. 2  
 COMMENTING ON PROOF OF NOTICE**

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

**I. Background**

On October 18, 2016, Altoga Water Supply Corporation (Altoga) and North Collin Special Utility District (North Collin) (collectively, applicants) filed an application for sale, transfer, or merger of facilities and certificate of convenience and necessity (CCN) rights in Collin County, Texas. Specifically, North Collin seeks approval to acquire all of the water assets of Altoga held under water CCN No. 12580.

On November 22, 2016, the Administrative Law Judge issued Order No. 2, requiring Staff to file on or before January 5, 2017 comments regarding proof of notice.<sup>1</sup> Therefore, this pleading is timely filed.

**II. Comments on Proof of Notice**

Staff has reviewed the applicants' proof of notice filed on December 15, 2016 and recommends that it be found sufficient.

**III. Procedural Schedule / Referral to SOAH**

On December 15 and 20, 2016, the City of Princeton filed a letter in this docket stating that it opposes the application and requests a hearing. Given this request, Staff will not be

<sup>1</sup> Order No. 2 set the deadline for Staff to file comments on proof of notice as "14 days after the deadline for the applicants to file proof of notice." Because the deadline for the applicants to file proof of notice is December 22, 2016, Staff's deadline (*i.e.*, 14 days from that date) is January 5, 2017.

proposing a procedural schedule at this time. Instead, Staff requests referral to the State Office of Administrative Hearings (SOAH) so that the case may proceed towards resolution.

#### **IV. Conclusion**

For the reasons detailed above, Staff recommends that the applicants' notice be found sufficient and that the case be referred to SOAH.

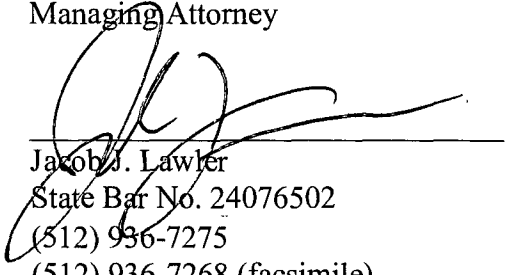
**Date: January 5, 2017**

Respectfully Submitted,

#### **PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION**

Margaret Uhlig Pemberton  
Division Director

Stephen Mack  
Managing Attorney

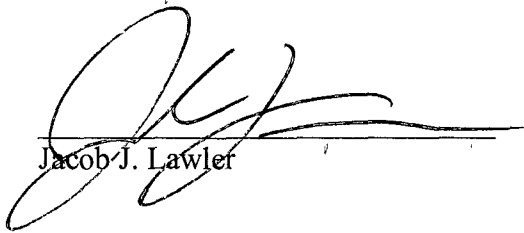


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#### **DOCKET NO. 46452 CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on January 5, 2017 in accordance with 16 TAC § 22.74.



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Jacob J. Lawler