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P.U.C. DOCKET NO. 46452

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

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**PUBLIC UTILITY COMMISSION
OF TEXAS**

**COMMISSION STAFF'S RECOMMENDATION ON SALE AND REQUEST FOR
ADDITIONAL TIME**

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this Recommendation on Sale and Request for Extension of Time. In support thereof, Staff shows the following:

I. BACKGROUND

On January 26, 2018, State Office of Administrative Hearings (SOAH) issued Order No. 9 remanding this case to the Commission for further processing and dismissing the case from the SOAH docket. Commission Order No. 4, filed on February 1, 2018, set the deadline of February 15, 2018 for the parties to file a joint motion to admit evidence and proposed findings of fact, conclusions of law, and ordering paragraphs.

II. RECOMMENDATION ON SALE

Staff has reviewed the application and, as detailed in the attached memorandum from Greg Charles in the Commission's Water Utility Division, recommends that Applicants be allowed to proceed with the proposed transaction. Staff has reviewed the criteria of Tex. Water Code §§ 13.241, 13.246 and 13.301 (TWC) and 16 Texas Administrative Code (TAC) §§ 24.102, 24.109 and 24.112 and determined that the proposed transaction meets the relevant statutory and regulatory requirements.

III. REQUEST FOR EXTENSION OF TIME

Staff is now filing its final recommendation and a hearing is no longer being requested. In the initial application, a transfer agreement between Altoga Water Supply Corporation and North Collins Special Utility District was filed, having a closing date of August 25, 2016 and an effective date of “the earlier of 120 days following the events specified in 30 TAC 291.109(a) or January 1, 2017.”¹ The latest the documented effective date could therefore be is January 1, 2017 by its own terms. However, this effective date does not conform to Commission Rules.

A written application for a transfer agreement must be filed at least 120 days before the effective date, calculated as 120 days following the last date of notice.² The agreement may then be completed as proposed at the end of the 120 day period, or at any time after the Commission has given notice that a hearing will not be requested.³

In this application, the last date notice was mailed was December 2, 2016.⁴ Because a hearing had been requested and is now no longer required, the transfer may now be completed as proposed. Closing documents must be filed with the Commission within 30 days of the actual effective date of the transaction, including a description of the disposition of any customer deposits.⁵

Staff requests that the parties be given additional time to have the transaction approved, secure consents of final certificates and maps, and prepare and file a joint motion to admit evidence and proposed findings of fact, conclusions of law, and ordering paragraphs.

IV. CONCLUSION

Staff respectfully requests the entry of an order consistent with the recommendation and request.

¹ Application at 27.

² 16 TAC § 25.109(a).

³ 16 TAC § 25.109(k).

⁴ Notice to Customers (Dec. 15, 2016).

⁵ 16 TAC §§ 25.109(m) and (n).

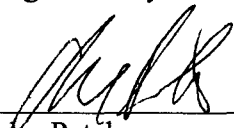
Dated: February 14, 2018

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF
TEXAS LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

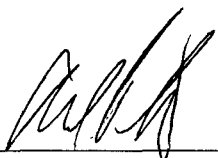
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**P.U.C. DOCKET NO. 46452
CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on February 14, 2018 in accordance with 16 TAC § 22.74.



Alexander Petak