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DOCKET NO. 46472

**APPLICATION OF M J WOOTAN §
(ESTATE) AND DEER COUNTRY §
WATER SUPPLY CORPORATION §
FOR SALE, TRANSFER, OR §
MERGER OF FACILITIES AND §
CERTIFICATE RIGHTS IN LLANO §
COUNTY §**

PUBLIC UTILITY COMMISSION

OF TEXAS

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COMMISSION STAFF'S REQUEST TO REVISE PROCEDURAL SCHEDULE

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this Request to Revise Procedural Schedule and would show the following:

I. BACKGROUND

On October 25, 2016, the Estate of MJ Wootan and Deer Country Water Supply Corporation (Deer Country WSC) filed their application with the Commission. The Estate of MJ Wootan and Deer Country WSC request that the Commission approve the sale and transfer of a water system and a corresponding water certificate of convenience and necessity (CCN No. 12465) for a certificated service area in Llano County, Texas. The Estate of MJ Wootan is the seller, and Deer Country WSC is the purchaser.

On January 24, 2017, Order No. 4 was issued, deeming notice sufficient and adopting a procedural schedule for the remainder of the proceeding. On February 16, 2017, Staff timely filed a recommendation that the proposed transaction be approved.

II. SCHEDULE

The schedule proposed in Staff's January 23, 2017 filing and adopted in Order No. 4 included a deadline of March 14, 2017 for the parties to file a motion to admit evidence and a joint proposed notice of approval. However, in proceedings involving the sale or transfer of a water system and corresponding CCN, the Applicants are typically required to file proof that the sale has been consummated before a joint proposed order is filed or a final order is issued.¹ Once proof of

¹ See, e.g. *Application of Blueberry Hill Water Works LLC and City of Beeville for Sale, Transfer, or Merger of Facilities and Certificate Rights in Bee County*, Docket No. 45705, Order No. 5 (Jun. 15, 2016).

sale has been filed, Staff files a recommendation on the proof of sale and a proposed procedural schedule for the remainder of the proceeding, including a deadline for filing a joint proposed notice of approval.² This allows the Commission to ensure that an approved sale is actually consummated before the Commission's approval of the sale expires³ and before a final order is issued, and it allows Staff to ensure that any customer deposits have been appropriately addressed. Staff therefore requests that an order be issued responding to Staff's February 16 recommendation, and that if the order allows the sale to proceed, the remainder of the procedural schedule established in Order No. 4 be cancelled and a deadline of seven days from the filing of proof of sale documentation be established for Staff to file a recommendation regarding the sufficiency of the documents and propose a procedural schedule for the continued processing of this docket.

III. CONCLUSION

For the reasons stated above, Staff respectfully requests that an order be issued and the procedural schedule in this docket be revised as described above.

² See, e.g. Docket No. 45705, Commission Staff's Recommendation on Sale Documents (Aug. 4, 2016).

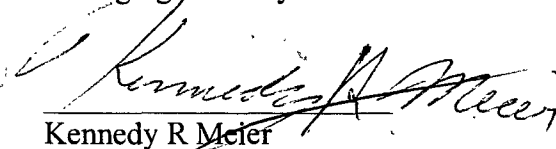
³ 16 Tex. Admin. Code § 24.109(o) (TAC) provides that the parties to the sale of a water system or retail public utility have 180 days to complete the transaction after the issuance of an order allowing the transaction to proceed, unless extended by the Commission for good cause shown. This rule went into effect December 21, 2016. Prior to December 21, 2016, 16 TAC § 24.112(e) provided a one-year time period for the applicants to consummate a sale after receiving Commission approval.

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF
TEXAS LEGAL DIVISION**

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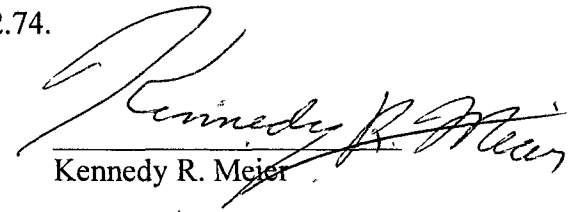


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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on this the 8th of March, 2017 in accordance with 16 TAC § 22.74.



Kennedy R. Meier