

Control Number: 46590



Item Number: 5

Addendum StartPage: 0

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APPLICATION OF SIMPLY
AQUATICS, INC. FOR A PRICE
INDEX RATE ADJUSTMENT

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PUBLIC UTILITY COMMISSION
PUBLIC UTILITY COMMISSION
FILING CLERK
OF TEXAS

COMMISSION STAFF'S RECOMMENDATION

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this Recommendation in response to Order No. 2. In support thereof, Staff shows the following:

I. BACKGROUND

On November 17, 2016, Simply Aquatics, Inc. (Simply Aquatics) filed an application (Application) for a price index rate adjustment under Tex. Water Code § 13.1872 (TWC) and 16 Tex. Admin Code § 24.36 (TAC). The rate increase will affect water rates for Vista Verde Water Systems and INC Marvin Gardens Subdivision.

On January 3, 2017, the Administrative Law Judge (ALJ) issued Order No. 2 requiring Staff to file a recommendation on the administrative completeness of the Application and notice on or before January 10, 2016. Therefore, this pleading is timely filed.

III. STAFF RECOMMENDATION

As more fully detailed in Johnathan Ramirez of the Commission's Water Utility Division, Simply Aquatics has a pending Sale, Transfer, Merger (Docket No. 46170), which prohibits Simply Aquatics from raising rates until the transfer is completed. Staff therefore recommends that the Application be dismissed without prejudice to re-filing after Docket No. 46170 has concluded.

IV. CONCLUSION

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

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Dated: January 10, 2017

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Stephen Mack
Managing Attorney

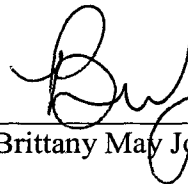


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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on January 10, 2017 in accordance with 16 TAC § 22.74.




Brittany May Johnson

Public Utility Commission of Texas

Memorandum

To: Brittany Johnson, Attorney
Legal Division

Thru: Tammy Bentè, Director
Debi Loockerman, Financial Manager
Water Utilities Division

From: Jonathan Ramirez, Financial Analyst
Water Utilities Division 

Date: January 10, 2017

Subject: Docket No. 46590 - *Application of Simply Aquatics, LLC for a Price Index Rate Adjustment*

STAFF RECOMEDATION

On November 17, 2016, Simply Aquatics, Inc. requested a price index rate adjustment that would affect water rates for Vista Verde Water Systems. Simply Aquatics has a pending Sale, Transfer, Merger to obtain the certificated area affected by the price index adjustment application, and the Vista Verde water system Docket No. 46170, but does not yet hold a CCN to serve the affected system. Therefore, Simply Aquatics may not raise the rates until the transfer is completed. Leigh Smith from Vista Verde, indicated to staff that, she wished to withdraw the Class C price index rate adjustment application until the Sale, Transfer, Merger is completed. Vista Verde has yet to request to withdraw the application. Since no request to withdraw has been filed, and based on the previous discussion, staff recommends dismissal of the application.