



Control Number: 46745



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DOCKET NO. 46745

RECEIVED

APPLICATION OF ORBIT SYSTEMS, §
INC. AND UNDINE TEXAS, LLC FOR §
SALE, TRANSFER, OR MERGER OF §
FACILITIES AND CERTIFICATE §
RIGHTS IN BRAZORIA, FORT BEND, §
AND MATAGORDA COUNTIES §

PUBLIC UTILITY COMMISSION 1:19

2017 JUN 20 PM
PUBLIC UTILITY COMMISSION
OF TEXAS FILING CLERK

ORDER NO. 5
APPROVING SALE/TRANSFER TO PROCEED AND
ADDRESSING CARDENAS LETTER

This Order addresses Commission Staff's May 19, 2017, recommendation that the transaction proposed in this application be allowed to proceed and it addresses the letter filed by Mr. Adan G. Cardenas on April 5, 2017.

Consistent with Commission Staff's recommendation the transaction proposed in this application may proceed and be consummated. As soon as possible after the effective date of the transaction, but not later than 30 days after, applicants shall file proof that the transaction has been consummated and customer deposits have been properly addressed.¹ Applicants have 180 days to complete the transaction.² If the transaction is not consummated within this period, the approval is void, unless the commission in writing extends the time period for good cause shown.³ Applicants are advised that the certificate affected by this application will continue to be held by Orbit until this application is complete in accordance with the Commission's rules and final approval is issued

In an effort to finalize this case as soon as possible, beginning July 28, 2017, and continuing monthly thereafter, applicants shall file an update regarding the status of the efforts to complete the transaction and to submit documents evidencing the transaction was consummated and customer deposits properly addressed.

Within 15 days following the filing of applicants' proof that the transaction has been consummated and customer deposits (if any) have been addressed, Commission Staff shall file a

¹ 16 Tex. Admin. Code § 24.109(n) (TAC).

² 16 TAC § 24.109(o).

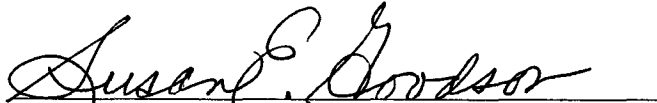
³ *Id.*

recommendation regarding the sufficiency of the documents and propose a schedule for the continued processing of this docket

Finally, as noted by Commission Staff in its May 19, 2016 pleading, it is unclear what Mr. Cardenas intended by filing the letter. As Commission Staff pointed out, it may have meant that he did not want to participate in this proceeding. However, if the letter was intended to be a motion to intervene, it was late and therefore is denied. Additionally, if the letter was intended to be a request to opt-out of the certificated service area that is subject of this application, such a request was incomplete and is not appropriate in a sale, transfer or merger proceeding and is also denied.

Signed at Austin, Texas the 29th day of June 2017.

PUBLIC UTILITY COMMISSION OF TEXAS



SUSAN E. GOODSON

ADMINISTRATIVE LAW JUDGE