

Control Number: 46745



Item Number: 41

Addendum StartPage: 0

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

PUBLIC UTILITY COMMISSION AM 10:40
OF TEXAS

COMMISSION STAFF’S RECOMMENDATION ON PROOF OF SALE

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this Recommendation on Proof of Sale in response to Order No. 5 and would show the following:

I. BACKGROUND

On January 9, 2017, Orbit Systems, Inc. (Orbit) and Undine, Texas, LLC (Undine) (collectively, Applicants) filed an application for the sale, transfer, or merger of facilities and certificate rights in Brazoria, Fort Bend, and Matagorda Counties. Undine seeks to acquire a portion of water and wastewater assets of Orbit under water certificate of convenience and necessity (CCN) 11982 and sewer CCN No. 20682.

On June 29, 2017, Order No. 5 was issued authorizing the applicants to proceed with the proposed transaction and establishing a deadline of 15 days of the filing of proof of sale documentation for Staff to file a recommendation regarding the sufficiency of the documentation and propose a procedural schedule. Proof of sale documentation was filed on August 17, 2017, and a clarification regarding the proof of sale documentation was filed on August 22. Fifteen days from August 17 is September 1, 2017. This pleading is therefore timely filed.

II. RECOMMENDATION ON SUFFICIENCY

Staff has reviewed the documentation filed by the applicants on August 17, 2017 and the clarification filed on August 22, and Staff recommends that the proof of sale documentation be deemed sufficient. Staff has also reviewed the documentation addressing disposition of customer deposits and recommends a finding that customer deposits have been properly addressed.

41

III. PROCEDURAL SCHEDULE

Staff recommends the sale documents be found sufficient. Staff therefore proposes the following procedural schedule:

Event	Date
Deadline for Staff to provide final maps, certificates, and tariffs (if applicable), to Applicants for review and consent	September 22, 2017
Deadline for Applicants to file signed consent forms with the Commission	October 6, 2017
Deadline for parties to file joint proposed findings of fact and conclusions of law	October 13, 2017

IV. CONCLUSION

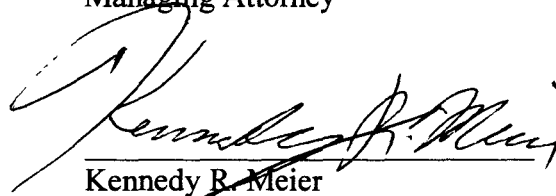
For the reasons discussed above, Staff respectfully requests that an order be issued deeming the proof of sale documentation sufficient and finding that customer deposits have been properly addressed. Staff further recommends that the procedural schedule proposed above be adopted for further processing of this docket.

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director

Katherine Lengieza Gross
Managing Attorney

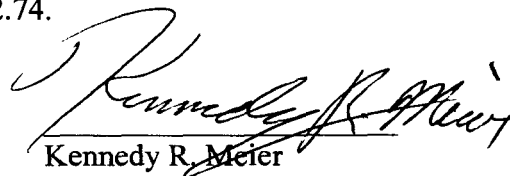


Kennedy R. Meier
State Bar No. 24092819
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7265
(512) 936-7268 (facsimile)
kennedy.meier@puc.texas.gov

DOCKET NO. 46745

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on this the 30th of August, 2017 in accordance with 16 TAC § 22.74.



Kennedy R. Meier