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APPLICATION OF CHUCK BELL DBA CHUCK BELL WATER SYSTEM, LLC AND UNDINE TEXAS, LLC FOR SALE, TRANSFER, OR MERGER OF FACILITIES AND CERTIFICATE RIGHTS IN JOHNSON AND TARRANT COUNTIES	§ § § § § § § § §	2017 OCT 13 AM 9:56 PUBLIC UTILITY COMMISSION FILED CLERK OF TEXAS
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COMMISSION STAFF'S FOURTH ADMINISTRATIVE COMPLETENESS RECOMMENDATION

COMES NOW the Commission Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this response to Order No. 5, Staff's Fourth Administrative Completeness Recommendation. Staff recommends that the application continue to be found deficient at this time. In support thereof, Staff shows the following:

I. BACKGROUND

On March 27, 2017, Chuck Bell d/b/a Chuck Bell Water System, LLC (Chuck Bell) and Undine Texas, LLC (Undine) (collectively, Applicants) filed an application (the Application) with the Commission for sale, transfer, or merger (STM) of facilities and certificate rights in Johnson and Tarrant Counties, Texas. Undine seeks approval to acquire all of the water assets and certificate rights of Chuck Bell held under water Certificate of Convenience and Necessity (CCN) No. 12190.

On August 18, 2017, the Commission administrative law judge (ALJ) issued Order No. 5, finding that the Application remains deficient and requiring the Applicants to file a supplement by September 15, 2017. No such supplement has been filed. Order No. 5 also required Staff to file a supplemental recommendation regarding the administrative completeness of the Application by October 13, 2017. Therefore, this pleading is timely filed.

II. DEFICIENCY RECOMMENDATION

The Applicants did not file any supplemental information following the issuance of Order No. 5. As indicated in Staff's Third Administrative Completeness Recommendation, two

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deficiencies remain in the application.¹ First, decertification agreements are still outstanding from the City of Cleburne for the overlapping portion of CCN No. 10917 and Johnson County SUD for the overlapping portion of CCN No. 10081. Second, Staff requires clarification from the Applicants regarding the intent of the Application. Do the overlaps with neighboring utilities' service areas presented in the mapping data represent areas where Chuck Bell in fact has customers and infrastructure but was serving outside of its service area? Or do the overlaps with those neighboring utilities simply represent areas which Undine would like to incorporate into the service area that it is acquiring from Chuck Bell?

Because the Application lacks the identified information, Staff recommends that the Application continue to be found deficient and that the Applicants be ordered to file a supplement addressing the identified deficiencies.

III. PROCEDURAL SCHEDULE

Due to the deficiencies in the Application, Staff does not recommend a procedural schedule for the evaluation of the merits of the Application at this time. Staff recommends that the Applicants be given until November 10, 2017 to cure the identified deficiencies in the Application and that Staff be given until December 1, 2017 to file a supplemental administrative completeness recommendation. If the Applicants continue not to provide the requested supplemental information, Staff may file a motion to dismiss pursuant to 16 TAC § 22.181(d)(7).

Furthermore, Staff notes that pursuant to 16 TAC § 24.8(d), an application is not considered filed until the Commission makes a determination of administrative completeness. If the ALJ agrees with Staff's deficiency recommendation, then the Application is not administratively complete and therefore the Application is not considered filed.

IV. CONCLUSION

For the reasons stated above, Staff respectfully recommends that the Application continue to be deemed insufficient and that the Applicants be ordered to file further supplemental documentation addressing the identified deficiencies by November 10, 2017.

¹ See Commission Staff's Third Administrative Completeness Recommendation (Aug. 16, 2017).

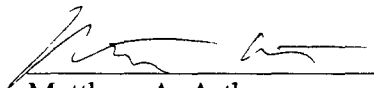
Dated: October 13, 2017

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
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CERTIFICATE OF SERVICE**

I certify that a copy of this document was served on all parties of record in this proceeding on October 13, 2017 in accordance with the requirements of 16 Tex. Admin. Code § 22.74.


Matthew A. Arth