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<p>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</p>	<p>§ § § § § § §</p>	<p>PUBLIC UTILITY COMMISSION OF TEXAS</p>
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COMMISSION STAFF'S FIFTH 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. 6, Staff's Fifth 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 October 19, 2017, the Commission administrative law judge (ALJ) issued Order No. 6, finding that the Application remains deficient and requiring the Applicants to file a supplement addressing the identified deficiencies by November 10, 2017. Undine Texas filed a response on November 10, 2017. Order No. 6 also required Staff to file a supplemental recommendation regarding the administrative completeness of the Application by December 1, 2017. Therefore, this pleading is timely filed.

II. DEFICIENCY RECOMMENDATION

Staff has reviewed Undine Texas' response to Order No. 6. That response addresses Staff's question concerning overlaps and intent. However, decertification or dual certification agreements are still outstanding from the City of Cleburne for the requested overlapping portion

with CCN No. 10917 and from Johnson County SUD for the requested overlapping portion with CCN No. 10081. Because the Application lacks the identified decertification or dual certification agreements, Staff recommends that the Application continue to be found deficient and that the Applicants be ordered to obtain and file such agreements.

III. PROCEDURAL SCHEDULE

Due to the continued identified deficiency 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 a deadline of January 19, 2018 by which to obtain and file the identified agreements and that Staff be given until February 9, 2018 to file a supplemental administrative completeness recommendation. If the Applicants continue not to provide the necessary agreements, Staff may file a motion to dismiss pursuant to 16 TAC § 22.181(d)(7).

Furthermore, Staff again 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 the identified agreements by January 19, 2018.

Dated: December 1, 2017

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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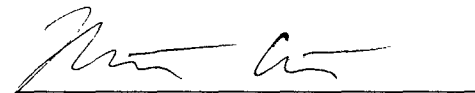


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CERTIFICATE OF SERVICE

I certify that a copy of this document was served on all parties of record in this proceeding on December 1, 2017 in accordance with the requirements of 16 Tex. Admin. Code § 22.74.



Matthew A. Arth