



Control Number: 47012



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DOCKET NO. 47012

APPLICATION OF MOUNTAIN CITY OAKS WATER SYSTEM AND CITY OF MOUNTAIN CITY FOR SALE, TRANSFER, OR MERGER OF FACILITIES AND CERTIFICATE RIGHTS IN HAYS COUNTY	§ § § § § § §	PUBLIC UTILITY COMMISSION OF TEXAS
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PUBLIC UTILITY COMMISSION
FILING CLERK

**COMMISSION STAFF'S RECOMMENDATION ON ADMINISTRATIVE
COMPLETENESS**

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest and files this Recommendation on Administrative Completeness in response to Order No. 1 and would show the following:

I. BACKGROUND

On March 31, 2017, Mountain City Oaks Water System (MCOWS) and the City of Mountain City (Mountain City or "the City") filed an application for the sale, transfer, or merger of facilities and certificate rights in Hays County. The City seeks approval to acquire all assets held by MCOWS under water certificate of convenience and necessity (CCN) No. 11427.

On May 26, 2017, the administrative law judge (ALJ) issued Order No. 3 which extended Staff's deadline to file a recommendation on the sufficiency of notice to June 2, 2017. This pleading is therefore timely filed.

II. SUFFICIENCY OF NOTICE

Staff has reviewed the Applicants' proof of notice and, as supported by the attached memorandum of Lisa Fuentes of the Water Utilities Division, recommends that the provided notice be found sufficient. Applicants provided notice to the entities identified in Order No. 2 and Staff memorandum filed April 28, 2017.

III. PROPOSED PROCEDURAL SCHEDULE

Staff proposes the following procedural schedule:

Event	Date
Notice completed	May 3, 2017
Deadline for intervention	June 2, 2017 ¹
Deadline for Staff to request a hearing or file a recommendation on the approval of the sale and on the CCN amendment	July 3, 2017
Deadline for parties to file a response to Staff's recommendation	July 17, 2017
120 day deadline for the Commission to approve the sale or require a hearing	September 1, 2017 ²

IV. CONCLUSION

Staff respectfully requests that the ALJ issue an order consistent with the above recommendation.

¹ Pursuant to 16 TAC § 24.106(a)(3), the intervention deadline is 30 days after the mailing or publication of notice, whichever occurs later. Notice was mailed on May 3, 2017, and notice was not published. Therefore, 30 days after May 3, 2017 is June 2, 2017.

² Pursuant to 16 TAC § 24.109, the deadline for Commission action is 120 days after the later of either when the application is filed, when notice was mailed, or when notice is published. One hundred and twenty days after May 3, 2017 is September 1, 2017.

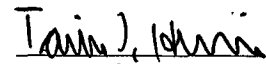
Dated: June 2, 2017

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF
TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Stephen Mack
Managing Attorney



TJ Harris

State Bar No. 24097804

1701 N. Congress Avenue

P.O. Box 13326

Austin, Texas 78711-3326

(512) 936-7216

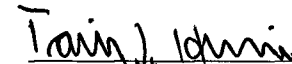
(512) 936-7268 (facsimile)

TJ.Harris@puc.texas.gov

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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on June 2, 2017 in accordance with 16 TAC § 22.74.



TJ Harris

Public Utility Commission of Texas

Memorandum

To: TJ Harris, Attorney
Legal Division

Through: Tammy Benter, Director
Water Utilities Division

From: Lisa Fuentes, Manager
Water Utility Regulation Division

Date: June 2, 2017

Subject: **Docket 47012**, *Application of Mountain City Oaks Water System and the City of Mountain City for Sale, Transfer or Merger of Facilities and Certificate Rights in Hays County*

On March 31, 2017, City of Mountain City (Mountain City or Buyer) and Mountain City Oaks Water System (Mountain City Oaks or Seller), (collectively Applicants) filed with the Public Utility Commission of Texas (Commission) for approval of a sale, transfer, or merger, of facilities and certificate rights in Hays County pursuant to Texas Water Code Ann. § 13.301 (TWC) and the 16 Tex. Admin. Code § 24.109 (TAC). Specifically, Mountain City seeks approval to acquire all of the water system assets and service area of Mountain City Oaks and to transfer their water Certificate of Convenience and Necessity (CCN) No. 11427. The total area being requested includes approximately 211 acres and 237 current customers.

The application was accepted for filing on May 1, 2017. Proper notice was provided to neighboring utilities, customers and cities on May 3, 2017, in accordance with 16 TAC § 24.106(b)(1). The affidavit of notice was received by the Commission on May 10, 2017. The comment period ends June 2, 2017. Staff has reviewed the notice documents and finds them sufficient.