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APPLICATION OF AQUA WATER §  
SUPPLY CORPORATION AND §  
FAYETTE WATER SUPPLY §  
CORPORATION FOR SALE, TRANSFER, §  
OR MERGER OF FACILITIES AND §  
CERTIFICATE RIGHTS IN BASTROP §  
COUNTY §

PUBLIC UTILITY COMMISSION

OF TEXAS

**COMMISSION STAFF'S CLOSING DOCUMENTS SUFFICIENCY  
RECOMMENDATION**

**COMES NOW** the Commission Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this Closing Documents Sufficiency Recommendation. Staff recommends that the closing documents filed be found sufficient. In support thereof, Staff shows the following:

**I. BACKGROUND**

On April 4, 2017, Fayette Water Supply Corporation (Fayette WSC or Purchaser) and Aqua Water Supply Corporation (Aqua WSC or Seller) (collectively, Applicants) filed an application with the Public Utility Commission of Texas (Commission) for sale, transfer, or merger (STM) of facilities and certificate rights in Bastrop County, Texas. Fayette WSC seeks to purchase a portion of the certificated service area in water Certificate of Convenience and Necessity (CCN) No. 10294 from Aqua WSC and transfer that area to Fayette WSC's water CCN No. 10726.

On November 16, 2017, the Commission administrative law judge (ALJ) issued Order No. 6 approving Applicants' request to proceed with and consummate the transaction. Order No. 6 also required Staff to file a recommendation on the sufficiency of Applicants' responsive documents within 15 days of their filing. Applicants filed closing documents on December 14, 2017. Because this responsive recommendation is filed within 15 days of the Applicants' filing, this pleading is timely filed.

**II. CLOSING DOCUMENTS SUFFICIENCY RECOMMENDATION**

Staff has reviewed the closing documents filed by Applicants on December 14, 2017 and determined that the filing meets the requirements of 16 Tex. Admin. Code §§ 24.109(k)-(n). Specifically, the sale and transfer was completed after Order No. 6 was issued approving the

transaction to proceed,<sup>1</sup> the closing documents were filed in lieu of a status update within 30 days of the issuance of Order No. 6,<sup>2</sup> the closing documents were filed within 30 days after the effective date of the transaction,<sup>3</sup> the closing documents were signed by both the transferor and the transferee,<sup>4</sup> and the parties confirmed that no outstanding customer deposits exist.<sup>5</sup> Accordingly, Staff recommends that customer deposits have been appropriately addressed and that the sale documents be found sufficient.

### **III. PROPOSED ADDITIONAL PROCEDURAL SCHEDULE**

Staff recommends that the closing documents be found sufficient. In accordance with that recommendation, Staff proposes the following procedural schedule:

<b>Event</b>	<b>Date</b>
Deadline for Staff to provide final maps, certificates, and tariffs (if applicable) to Applicants for review and consent	January 18, 2018
Deadline for Applicants to file signed consent forms with the Commission	February 1, 2018
Deadline for parties to jointly file a proposed Notice of Approval, including proposed findings of fact, conclusions of law, and ordering paragraphs	February 8, 2018

### **IV. CONCLUSION**

For the reasons stated above, Staff respectfully requests that an order be issued finding that the closing documents filed by Applicants are sufficient and that customer deposits have been properly addressed. Staff further requests that the procedural schedule proposed above be adopted for continued processing of this docket.

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<sup>1</sup> Pursuant to 16 Tex. Admin. Code § 24.109(k)(2) (TAC).

<sup>2</sup> Pursuant to 16 TAC § 24.109(l).

<sup>3</sup> Pursuant to 16 TAC § 24.109(n).

<sup>4</sup> *Id.*

<sup>5</sup> Pursuant to 16 TAC §§ 24.109(m) and (n).

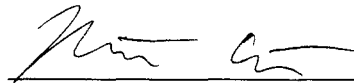
Dated: December 19, 2017

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Margaret Uhlig Pemberton  
Division Director

Katherine Lengieza Gross  
Managing Attorney

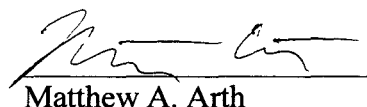


Matthew A. Arth  
State Bar No. 24090806  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326  
(512) 936-7021  
(512) 936-7268 (facsimile)  
Matthew.Arth@puc.texas.gov

**P.U.C. DOCKET NO. 47027**

**CERTIFICATE OF SERVICE**

I certify that a copy of this document was served on all parties of record on December 19, 2017, in accordance with the requirements of 16 Tex. Admin. Code § 22.74.



Matthew A. Arth