



Control Number: 47027



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RECEIVED

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 06

OF TEXAS
UTILITY COMMISSION
FILING CLERK

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 support thereof, Staff would show the following:

I. BACKGROUND

On April 4, 2017, Aqua Water Supply Corporation (Aqua) and Fayette Water Supply Corporation (Fayette) (collectively, Applicants) filed an application for approval of a sale, transfer, or merger of facilities and certificate rights in Bastrop County. Specifically, Aqua and Fayette have agreed to transfer a portion of Aqua's water certificate of convenience and necessity (CCN) No. 10294 to Fayette's water CCN No. 10726 to allow Fayette to provide water service to residents who are currently without potable water service.

On April 6, 2017, the Administrative Law Judge (ALJ) issued Order No. 1, which established May 4, 2017 as the deadline for Staff to file comments on the administrative completeness of the application, proposed notice, and a procedural schedule. This pleading is therefore timely filed.

II. ADMINISTRATIVE COMPLETENESS RECOMMENDATION

Staff has reviewed the application and, as supported by the attached memorandum from Jolie Mathis of the Commission's Water Utilities Regulation Division, Staff recommends that the application be deemed administratively incomplete and deficient. Pursuant to 16 TAC § 24.8(a), applications are not considered filed until a determination of administrative

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completeness is made. Staff recommends that the Applicants be directed to address the issues addressed in the attached memorandum.

III. PROCEDURAL SCHEDULE

Due to the deficiencies in the application, Staff does not recommend a procedural schedule for evaluation of the merits at this time. Staff recommends that the Applicants cure the deficiencies in its application by June 1, 2017, and that Staff be required to provide a supplemental recommendation by June 30, 2017.

IV. CONCLUSION

Staff respectfully requests the entry of an order consistent with the above recommendation.

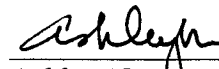
DATED: May 4, 2017,

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF
TEXAS LEGAL DIVISION**

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DOCKET NO. 47027

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on this the 4th of March, 2017, in accordance with. 16 TAC § 22.74.



Ashley Nwonuma

PUC Interoffice Memorandum

To: Ashley Nwonuma
Legal Division

Thru: Lisa Fuentes, Manager
Water Utilities Division

From: Jolie Mathis, Staff Engineer
Water Utilities Division

Date: May 1, 2017

Subject: **Docket 47027**, *Application of Aqua WSC and Fayette WSC for Sale, Transfer or Merger of Facilities and Certificate Rights in Bastrop County*

On April 4, 2017, Aqua Water Supply Corporation (Aqua WSC or Seller) and Fayette Water Supply Corporation (Fayette WSC or Buyer), (collectively, Applicants), filed an application for sale, transfer, or merger of facilities and certificate rights in Bastrop County. Specifically, Aqua WSC will transfer a portion of its Certificate of Convenience and Necessity (CCN) No. 10294 to Fayette WSC, CCN No. 10726. The transfer will allow Fayette WSC to provide water service to residents who are currently without potable water service.

Based on a review of the information in the application, Staff recommends that the application be deemed insufficient for filing and found administratively incomplete due to the deficiencies detailed below.

Mapping

The total acreage amount noted in the digital mapping data and notice documents is inconsistent. The digital mapping data states that there are 2035 total acres to be transferred, while the notice documents state that there are 2028 acres. Staff recommends the Applicants confirm the total acreage of the requested area to be transferred from Aqua WSC to Fayette WSC.

Application Content

Staff recommends the Applicant provide the following:

1. An agreement signed by both parties allowing for the transfer of a portion of Aqua WSC's CCN No. 10294 to Fayette WSC's CCN No. 10726. This is required during administrative review of the application.
2. A statement regarding how the TCEQ violations, if any noted from the investigation or currently open, will be addressed, or proof that the violations have been resolved.