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DOCKET NO. 47178

APPLICATION OF RICHARD §
SULLIVAN AND MICHAEL & HEIDI §
FENSTERBUSH FOR SALE, TRANSFER, §
OR MERGER OF FACILITIES AND §
CERTIFICATE RIGHTS IN LUBBOCK §
COUNTY (VALLEY ESTATES) §

PUBLIC UTILITY COMMISSION

OF TEXAS

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**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 in response to Order No. 5 files this Closing Documents Sufficiency Recommendation. Staff recommends that the closing documents filed in this docket be found sufficient. In support thereof, Staff shows the following:

I. BACKGROUND

On May 17, 2017, Richard Sullivan (Seller) and Michael & Heidi Fensterbush (Purchasers) (collectively, Applicants) filed an application for sale, transfer, or merger (STM) of facilities and certificate rights in Lubbock County, Texas pursuant to Tex. Water Code §§ 13.301-.242 (TWC) and 16 Tex. Admin. Code §§ 24.109-.112 (TAC). Specifically, Purchasers seek approval to acquire all water system assets and the associated service area currently held by Seller under water certificate of convenience and necessity (CCN) No. 12490. The total area being requested is approximately 15 acres with 35 affected customers.

On October 18, 2017, the Commission administrative law judge (ALJ) issued Order No. 5, approving the Applicants' request to proceed with and consummate the transaction. Order No. 5 also required Staff to file a recommendation on the sufficiency of the Applicants' responsive documents within 15 days of their filing. The Applicants filed closing documents and a customer deposits report on November 7, 2017. Because this recommendation is filed within 15 days of the Applicants' filing, this pleading is timely filed.

II. CLOSING DOCUMENTS SUFFICIENCY RECOMMENDATION

Staff reviewed the affidavit and sale documents filed by Applicants on November 7, 2017 and November 21, 2017, and recommends that they be found sufficient. Staff notes that the

affidavit included with the closing documents affirms that no customer deposits are required for service and that therefore there are none to transfer. Accordingly, Staff recommends a finding that customer deposits have been properly addressed. Additionally, the Contract for Purchase has a July 1, 2015 consummation date. Pursuant to 16 TAC § 24.109 the sale cannot take place before the Applicants receive notice from the commission that a hearing will not be requested. On October 18, 2017, the Applicants received notice from the commission that a hearing will not be requested, therefore, the sale cannot be consummated prior to that date. The Applicants have remedied this error by filing a notarized document signed by both parties stating that the parties consider the sale to have been consummated on October 22, 2017, after October 18, 2017.

III. PROPOSED FURTHER PROCEDURAL SCHEDULE

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

Event	Date
Deadline for Staff to provide final maps, certificates, and tariffs (if applicable), to Applicants for review and consent	December 22, 2017
Deadline for Applicants to file signed consent forms with the Commission	January 5, 2017
Deadline for parties to jointly file a proposed notice of approval, including proposed findings of fact, conclusions of law, and ordering paragraphs	January 12, 2018

IV. CONCLUSION

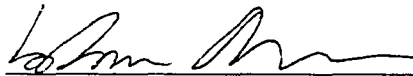
For the reasons stated above, Staff respectfully requests that an order be issued finding that the closing documents filed by Applicants are sufficient and that customer deposits have been properly addressed. Staff further requests that the above proposed procedural schedule be adopted for continued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

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on November 22, 2017 in accordance with 16 Tex. Admin. Code § 22.74.



Joshua Adam Barron