



Control Number: 47592



Item Number: 29

Addendum StartPage: 0

DOCKET NO. 47592

RECEIVED

FEB 12 PM 3:58

APPLICATION OF JENNIFER FULTZ, §
RECEIVER FOR THUNDERBIRD §
POINT WATER SYSTEM AND §
BI-COUNTY WATER SUPPLY §
CORPORATION FOR SALE, §
TRANSFER, OR MERGER OF §
FACILITIES AND CERTIFICATE §
RIGHTS IN CAMP COUNTY §

PUBLIC UTILITY COMMISSION
FILING CLERK
OF TEXAS

**ORDER NO. 6
CONCERNING APPLICATION STATUS AND SOLICITING JOINT MOTION TO
ADMIT EVIDENCE**

This Order addresses the application status of Jennifer Fultz, the receiver for Thunderbird Point Water System, and Bi-County Water Supply Corporation for the sale and transfer of facilities and certificate rights in Camp County.

On February 11, 2019, Ms. Fultz filed a request for six-month extension to complete the transaction. Ms. Fultz represented that Bi-County was consulted and did not oppose the request for extension. This request is denied for the reasons below.

Denying Motion for Extension

In Order No. 4 issued on February 6, 2018, the administrative law judge (ALJ) approved the transaction to proceed between the applicants. The applicants' deadline to complete the transaction was August 6, 2018, 180 days from the date of the order approving the transaction; however, in Order No. 5 issued on July 9, 2018, the ALJ extended the deadline for the applicants to complete the transaction to February 6, 2019.

Under 16 Texas Administrative Code (TAC) § 24.239(o), the transaction must be completed within 180 days from the date of approval, unless the Commission in writing extends the time period for good cause shown. While Ms. Fultz requested an extension on February 11, 2019, the deadline to make this request had already passed. Therefore, the ALJ finds that, by operation of 16 TAC § 24.239(o), the approval granted in Order No. 4 has expired and the motion to extend this approval is denied.

Evidence Needed to Re-Approve Sale and Allow Transaction to Proceed

The ALJ proposes to re-evaluate the evidence and re-approve the sale to allow the transaction to proceed without need for the applicants to restart the application process. In order to do so, the ALJ needs an evidentiary record. The parties are asked to submit a joint motion to admit evidence. The requested motion should include, but is not limited to, a request for admission of:

1. The applicants' application;
2. *Texas Register* notice and acknowledgement;
3. The applicants' proof of notice and supporting documentation;
4. The applicants' responses to requests for information; and
5. Commission Staff's recommendation on the sale.

The requested joint motion to admit evidence must be filed no later than April 26, 2019.

Signed at Austin, Texas the 12th day of April 2019.

PUBLIC UTILITY COMMISSION OF TEXAS



CHRISTOPHER OAKLEY
ADMINISTRATIVE LAW JUDGE