



Control Number: 47639



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APPLICATION OF GULF COAST UTILITY COMPANY, INC. AND UNDINE TEXAS ENVIRONMENTAL, LLC FOR SALE, TRANSFER, OR MERGER OF SEWER FACILITIES AND CERTIFICATE RIGHTS IN BRAZORIA COUNTY	§ § § § § § §	<div style="text-align: right;">2017 NOV 30 PM 2:52</div> PUBLIC UTILITY COMMISSION OF TEXAS
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COMMISSION STAFF’S NOTICE SUFFICIENCY RECOMMENDATION

COMES NOW the Commission Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this response to Order No. 2, Staff’s Notice Sufficiency Recommendation. Staff recommends that the notice issued be found sufficient. In support thereof, Staff shows the following:

I. BACKGROUND

On September 22, 2017, Gulf Coast Utility Company, Inc. (Seller) and Undine Texas Environmental, LLC (Purchaser) (collectively, Applicants) filed an application for sale, transfer, or merger (STM) of facilities and certificate rights in Brazoria County, Texas pursuant to Tex. Water Code § 13.301 (TWC) and 16 Tex. Admin. Code § 24.109 (TAC). Specifically, Purchaser seeks approval to acquire all sewer system assets and the associated service area currently held by Seller under sewer certificate of convenience and necessity (CCN) No. 20688. The total area being requested for the Southwood Estates portion is approximately 245 acres with 530 affected customers and for Spring Crossing is approximately 286 acres and 0 current customers.

On October 26, 2017, the Commission administrative law judge (ALJ) issued Order No. 2 which established a deadline of November 22, 2017 by which the Applicants were to file proof of notice. On November 22, 2017, Purchaser filed proof of notice. Order No. 2 also required Staff to file a recommendation on the sufficiency of the Applicants’ notice within 10 days of the Applicants’ proof of notice filing. This pleading is filed within 10 days of November 22, 2017; therefore it is timely filed.

II. NOTICE SUFFICIENCY RECOMMENDATION

Staff has reviewed the Applicants’ proof of notice filed on November 22, 2017. This proof of notice included: (1) a notarized affidavit attesting that notice was published on

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November 9 and 16, 2017 in a newspaper of general circulation in Brazoria County, (2) copies of the published notice, (3) a notarized affidavit attesting that notice was mailed on November 13, 2017, (4) a copy of the notice and maps issued by mail, and (5) a list of the persons and entities to whom notice was issued.¹ These adequately fulfill the STM notice requirements of 16 TAC §§ 24.109(b)-(e). Therefore, Staff recommends that the Applicants' notice be found sufficient.

III. PROPOSED ADDITIONAL PROCEDURAL SCHEDULE

In accordance with Staff's notice sufficiency recommendation, Staff proposes the following additional procedural schedule:

Event	Date
Notice completed	November 16, 2017
Deadline for intervention ²	December 18, 2017
Deadline for Staff to request a hearing or file a recommendation on the approval of the sale and on the CCN amendment	January 17, 2018
Deadline for parties to file a response to Staff's recommendation	January 31, 2018
120 day deadline for the Commission to approve the sale or require a hearing ³	March 16, 2018

IV. CONCLUSION

For the reasons stated above, Staff respectfully recommends that the Applicants' notice be found sufficient and that the above proposed additional procedural schedule be adopted.

¹ See Undine Texas Environmental, LLC's Response to Order No. 2 (Nov. 22, 2017).

² Pursuant to 16 Tex. Admin. Code § 24.109(b) (TAC), the intervention period shall not be less than 30 days unless for good cause shown. The latest date of notice issuance was on November 16, 2017, the date of the second notice publication. Thirty days after November 16, 2017 is Saturday, December 16, 2017. Pursuant to 16 TAC § 22.4(a), a period that would conclude on a day on which the Commission is not open for business shall conclude on the next day that the Commission is open for business. Because December 16, 2017 is a day when the Commission is not open for business, the next business day is Monday, December 18, 2017.

³Pursuant to 16 TAC § 24.109(a), 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 the latest of those dates November 16, 2017, the date when notice was published, is March 16, 2018.

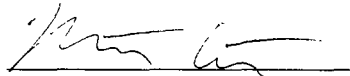
Dated: November 30, 2017

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Katherine Lengieza Gross
Managing Attorney

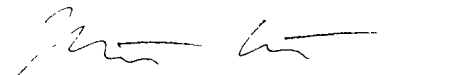


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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record November 30, 2017 in accordance with 16 Tex. Admin. Code § 22.74.



Matthew A. Arth