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**APPLICATION OF BOLIVER §
UTILITY SERVICES, LLC AND §
UNDINE TEXAS ENVIRONMENTAL, §
LLC FOR SALE, TRANSFER, OR §
MERGER OF FACILITIES AND §
CERTIFICATES RIGHTS IN §
GALVESTON COUNTY §**

PUBLIC UTILITY COMMISSION

OF TEXAS

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**COMMISSION STAFF'S RECOMMENDATION ON SUFFICIENCY OF NOTICE AND
PROPOSED PROCEDURAL SCHEDULE**

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and in response to Order No. 3, files this Recommendation on Sufficiency of Notice and Proposed Procedural Schedule. In support thereof, Staff shows the following:

I. BACKGROUND

On March 8, 2018, Bolivar Utility Services, LLC (Bolivar), and Undine Texas Environmental, LLC (Undine) (collectively Applicants), filed an application for a sale, transfer, or merger of facilities and Certificate of Convenience and Necessity (CCN) rights in Galveston County, Texas. Specifically, Bolivar seeks to sell its sewer system and transfer the service area under CCN No. 21026 to Undine. The total area being requested includes approximately 37,468 acres and serves 702 current customers.¹

On June 4, 2018, Order No. 3 was issued, establishing a deadline for Staff to file a recommendation on the sufficiency of Applicants' notice within ten (10) days of Applicants filing proof of completed notice with the Commission. Undine, on behalf of Applicants, filed proof of notice on September 28, 2018. Therefore, this pleading is timely filed.

II. SUFFICIENCY OF NOTICE

Staff has reviewed the notice documentation filed by Undine on September 28, 2018. Undine filed an Affidavit of Notice to Current Customers, Neighboring Utilities and Affected

¹ Applicants' application identified 668 current customers at the time of filing. Application at 20 (March 8, 2018). The copy of notice included in the proof of notice filing identified 702 current customers. Undine's Response to Order No. 3 at 5 (September 28, 2018).

Parties indicating that notice of application was mailed to the entities listed in an attached confidential exhibit on September 28, 2018.

Order No. 3 required Applicants to provide notice of application as described in Staff's Supplemental Recommendation on Administrative Completeness and Proposed Notice filing submitted on May 30, 2018 (Supplemental Recommendation). Undine's notice was not provided to all entities listed in Staff's Supplemental Recommendation. Specifically, Undine did not provide the required notice of application to two entities: (1) Port Bolivar Improvement District; and (2) Southeast Texas Agricultural Development District. Nonetheless, Undine demonstrated in communication with Staff that it exerted significant effort in locating the two entities contact information, through various means, without success. Therefore, Staff recommends that Applicants be excused from providing notice by application to the two aforementioned entities.

Following review of Undine's notice of application filing, Staff recommends its notice be deemed sufficient.

III. PROCEDURAL SCHEDULE

In accordance with Staff's recommendation that Applicants' notice be found sufficient, Staff proposes the following supplemental procedural schedule:

Event	Date
Notice completed	September 28, 2018
Deadline for intervention	October 29, 2018 ²
Deadline for Staff to request a hearing or file a recommendation on the approval of the sale and on the CCN amendment	November 28, 2018
Deadline for parties to file a response to Staff's recommendation	December 12, 2018

² Pursuant to 16 TAC § 24.106(a)(3), the intervention deadline is thirty (30) days after the mailing or publication of notice, whichever occurs later. Notice was mailed on September 28, 2018. Therefore, thirty (30) days after September 28, 2018 is October 28, 2018. Since the Commission is closed on October 28, 2018, the period runs until the end of the next day on which the Commission is open for business, Monday, October 29, 2018.

120 day deadline for the Commission to approve the sale or require a hearing	January 28, 2019 ³
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IV. CONCLUSION

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

³ Pursuant to 16 TAC § 24.109, the deadline for Commission action is one hundred twenty (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 September 28, 2018 is January 26, 2019. Since the Commission is closed on January 26, 2019, the period runs until the end of the next day on which the Commission is open for business, Monday, January 28, 2019.

Dated: October 4, 2018

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 October 4, 2018, in accordance with 16 TAC § 22.74.



Richard Nemer