



Control Number: 48151



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**DOCKET NO. 48151**

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

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**PUBLIC UTILITY COMMISSION  
OF TEXAS**

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**COMMISSION STAFF'S REQUEST FOR EXTENSION**

**COMES NOW** the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and in response to Order No. 6, files this Request for Extension. 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.<sup>1</sup>

Previously, on October 9, 2017, in Docket No. 47680, Bolivar filed an application for a Class B rate/tariff change pursuant to Texas Water Code § 13.1781 and 16 Texas Administrative Code (TAC) §§ 24.21-.26. Specifically, Bolivar requested a change in sewer rates under CCN No. 21026 in Galveston, County, Texas. On June 26, 2018, Bolivar and Staff, the only two parties in the matter, filed a settlement agreement with an attached proposed order and an agreed tariff. On October 12, 2018, the Commission considered the matter at an open meeting. On October 16, 2018, the Commission did not issue a final order, but instead memorialized its decision from the open meeting to establish interim rates based on the settlement rates and terms include in Bolivar's tariff attached to the settlement agreement. On November 8, 2018, the Commission issued a

<sup>1</sup> 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).

subsequent order identifying issues that must be addressed by Bolivar regarding its financial capabilities and additional sources of revenue. Bolivar's deadline to file responses to the Commission's questions is December 10, 2018.

On October 5, 2018, Order No. 6 was issued in this docket, establishing a deadline for Staff to request a hearing or file a recommendation on approval of the sale, and on the CCN and necessity amendment, by November 28, 2018. Therefore, this pleading is timely filed.

## II. REQUEST FOR ADDITIONAL TIME

Until the issues in Bolivar's other pending docket, No. 47680, are resolved, Staff is unable to provide a recommendation on approval of sale. If the contemplated transaction in this docket were to complete prior to a resolution in the other docket, the currently pending sewer rate change case could be adversely affected. Therefore, Staff requests an eight-week extension to its deadline to provide its request for a hearing or recommendation on approval of sale in order to allow for the potential resolution of the sewer rate change application in Bolivar's other pending docket. The remaining deadline for the parties' response to Staff's recommendation is advanced accordingly. Staff's request would result in the following modifications to the procedural schedule:

Event	Date
Notice completed	September 28, 2018
Deadline for Staff to request a hearing or file a recommendation on the approval of the sale and on the CCN amendment	January 23, 2019
Deadline for parties to file a response to Staff's recommendation	January 25, 2019
120 day deadline for the Commission to approve the sale or require a hearing	January 28, 2019 <sup>2</sup>

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<sup>2</sup> 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.

### III. CONCLUSION

For the reasons discussed above, Staff respectfully requests that it be given a deadline of January 23, 2019, to request a hearing or file a recommendation on the approval of the sale and on the CCN amendment.

**Dated:** November 28, 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 November 28, 2018, in accordance with 16 TAC § 22.74.



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Richard Nemer