



Control Number: 48372



Item Number: 6

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2018 JUN 13 PM 12:46

APPLICATION OF NUECES WATER §  
SUPPLY CORPORATION FOR SALE, §  
TRANSFER, OR MERGER OF §  
CYNDIE PARK UNIT 1 WATER CO- §  
OP FACILITIES AND CERTIFICATE §  
RIGHTS IN NUECES COUNTY §

PUBLIC UTILITY COMMISSION  
OF TEXAS

### COMMISSION STAFF'S RECOMMENDATION ON ADMINISTRATIVE COMPLETENESS

**COMES NOW** the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and in response to Order No. 1, files this Recommendation on Administrative Completeness. Staff recommends that the application be deemed administratively incomplete and insufficient for further review. In support thereof, Staff shows the following:

#### I. BACKGROUND

On May 15, 2018, Nueces Water Supply Corporation (Nueces WSC) filed an application for sale, transfer, or merger of facilities and certificate rights held by Cyndie Park Unit 1 Water Co-op (Cyndie Park) under certificate of convenience and necessity number 12107, in Nueces County, Texas. The service area to be transferred includes 30.8 acres and one current customer.

On May 18, 2018, Order No. 1 was issued establishing a deadline of June 14, 2018, for Staff to file a recommendation on the administrative completeness of the application and notice and to propose a procedural schedule for further processing of the application. Therefore, this pleading is timely filed.

#### II. ADMINISTRATIVE COMPLETENESS

As detailed in the attached memorandum from Jolie Mathis, in the Commission's Water Utility Regulation Division, Staff has reviewed the application and recommends that it be found administratively incomplete. Specifically, Nueces WSC failed to file a signed contract, bill of sale, or other appropriate documents signed by both the transferor and transferee. Staff recommends that Nueces WSC submit a signed contract, bill of sale, or other appropriate documents as described in Ms. Mathis's memorandum.

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### **III. PROCEDURAL SCHEDULE**

Staff recommends that the application be found administratively incomplete. Therefore, Staff recommends that a deadline of July 16, 2018, be established for Applicants to supplement the application. Staff further recommends that a deadline of August 16, 2018, be established for Staff to review Applicants' supplemental information and make a supplemental recommendation on the administrative completeness of the application. Staff notes that the Applicants should not issue notice until the application is found administratively complete.

### **IV. CONCLUSION**

For the reasons discussed above, Staff respectfully recommends that the application be found administratively incomplete and that the procedural schedule proposed above be adopted for further processing of this docket.

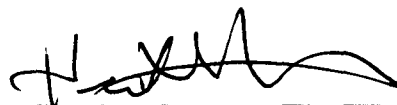
Dated: May 18, 2018

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF  
TEXAS LEGAL DIVISION**

Margaret Uhlig Pemberton  
Division Director

Stephen Mack  
Managing Attorney

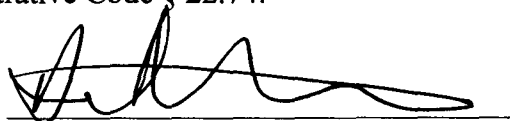


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**DOCKET NO. 48372**

**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on June 13, 2018, in accordance with 16 Texas Administrative Code § 22.74.



Heath D. Armstrong

## PUC Interoffice Memorandum

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**To:** Heath Armstrong, Attorney  
Legal Division

**Thru:** Lisa Fuentes, Manager  
Water Utility Regulation Division

**From:** Jolie Mathis, Staff Engineer  
Water Utility Regulation Division

**Date:** June 12, 2018

**Subject:** **Docket No. 48372**, *Application of Nueces WSC and Cyndie Park Unit I Water Co-op for Sale, Transfer, or Merger of Facilities and Certificate Rights in Nueces County*

On May 15, 2018, Nueces WSC (Purchaser) and the Cyndie Park Unit 1 Water Co-op (Seller) (collectively, Applicants) filed an application for Sale, Transfer, or Merger (STM) of facilities and certificate rights in Nueces County, Texas, pursuant to Texas Water Code Ann. (TWC) § 13.301 and 16 Texas Administrative Code § 24.109 (TAC). Specifically, the Buyer seeks approval to acquire facilities and to transfer water service area from Cyndie Park Unit 1 Water Co-op under water Certificate of Convenience and Necessity (CCN) No. 12107.

Staff has reviewed the information provided by the Applicants and recommends the application be deemed administratively incomplete and not accepted for filing due to the fact that an STM requires a signed contract, bill of sale, or other appropriate documents that must be signed by both the transferor and transferee. Such a contract was not provided with this application.