

Control Number: 48565



Item Number: 21

Addendum StartPage: 0

PUC DOCKET NO. 48565

**APPLICATION OF AQUA TEXAS,
INC. AND TOWN OF BUFFALO GAP
FOR SALE, TRANSFER, OR
MERGER OF FACILITIES AND
CERTIFICATE RIGHTS IN TAYLOR
COUNTY (GAP WATER SYSTEM)**

§
§
§
§
§
§

**PUBLIC UTILITY COMMISSION
OF TEXAS
FILING CLERK**

STATUS UPDATE NO. 5

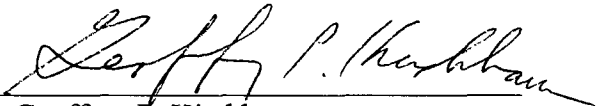
COME NOW, Aqua Texas, Inc. (“Aqua”) and the Town of Buffalo Gap (“Town”) (collectively, the “Applicants”) and file this Status Update No. 5 regarding the status of the Applicants’ efforts to conclude the transaction, address customer deposits, and submit evidence of same.

On August 2, 2018, Aqua and the Town filed an application for Sale, Transfer or Merger of Facilities and Certificate Rights in Taylor County related to the Gap Water System. On November 28, 2018, the Commission issued Order No. 4 Approving Transaction to Proceed which ordered the Applicants to file updates regarding the status of efforts to conclude the transaction, address customer deposits, and submit documents evidencing same beginning on December 20, 2018, and each month thereafter.

The Town and Aqua filed a status report on March 20, 2019 (“Status Update No. 4”) which stated that the Town had not received final plan approval from the Texas Commission on Environmental Quality (“TCEQ”) and had not submitted its request for closing instructions by February 15, 2019, as originally estimated. Aqua reported that it is waiting on that process to conclude before proceeding with action to close the approved transaction with the Town and address customer deposits. As of the date of this Status Update No. 5, the Town has obtained plan approval from TCEQ and made progress towards obtaining the easements necessary to request closing instructions but has not yet acquired all the required easements. Given that the Town has

not made the expected progress towards closing this transaction, the Town anticipates a need to request a good cause extension to the Commission's 180-day deadline and will submit such request in a timely manner.¹ Neither the Town nor Aqua have any other new information to report this month about their progress toward concluding the transaction.

Respectfully submitted,

By: 

Geoffrey P. Kirshbaum
State Bar No. 24029665
TERRILL & WALDROP
810 West 10th Street
Austin, Texas 78701
Tel: (512) 474-9100
Fax: (512) 474-9888
gkirshbaum@terrillwaldrop.com


ATTORNEY FOR AQUA TEXAS, INC.

Eileen M. Hayman
State Bar No. 24076684
MESSER ROCKEFELLER & FORT
500 Chestnut St., Suite 1061
Abilene, Texas 79602
Tel: (325) 701-7960
Fax: (325) 701-7961
eileen@txmunicipallaw.com

ATTORNEY FOR TOWN OF BUFFALO GAP

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on April 22, 2019 in accordance with P.U.C. Procedural Rule 22.74.


Geoffrey P. Kirshbaum

¹ See Order No. 4 Approving Transaction to Proceed (Nov. 28, 2018).