



Control Number: 48897



Item Number: 9

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APPLICATION OF KERRVILLE  
SOUTH WATER COMPANY, INC. AND  
AQUA TEXAS, INC. FOR SALE,  
TRANSFER, OR MERGER OF  
FACILITIES AND CERTIFICATE  
RIGHTS IN KERR COUNTY

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PUBLIC UTILITY COMMISSION  
OF TEXAS

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PUBLIC UTILITY COMMISSION  
CLERK

**COMMISSION STAFF'S RECOMMENDATION**

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this recommendation. Staff recommends that notice be deemed sufficient. In support thereof, Staff shows the following:

**I. BACKGROUND**

On November 20, 2018, Aqua Texas, Inc. filed an application for sale, transfer, or merger of facilities and certificate rights with the Public Utility Commission of Texas (Commission). Aqua Texas stated in its application that it is seeking to acquire facilities and certificate rights from Kerrville South Water Company, Inc., pursuant to § 13.301 of the Texas Water Code and 16 Texas Administrative Code (TAC) § 24.239.

On January 2, 2019, the Commission's administrative law judge issued Order No. 2, which required Aqua Texas to file signed affidavits of notice along with copies of notice by January 22, 2019. Order No. 2 further required Staff to submit a recommendation on the sufficiency of notice within ten days after the applicant filed proof of completed notice.

On January 22, 2019, Aqua Texas filed proof of completed notice. Staff's recommendation is therefore timely.

**II. RECOMMENDATION ON NOTICE**

Aqua Texas filed proof of completed notice in accordance with 16 TAC § 24.239(a)–(c). Staff has reviewed the applicants' proof of notice and found it to be sufficient. Therefore, Staff respectfully recommends that notice be found sufficient.

**III. PROCEDURAL SCHEDULE**

Staff recommends the notice be found sufficient. Staff therefore proposes the following procedural schedule:

| Event   | Date                           |
|---|--------------------------------|
| Notice completed  | January 11, 2019               |
| Deadline for intervention   | February 11, 2019 <sup>1</sup> |
| Deadline for Staff to request a hearing or file a recommendation on the approval of the sale and on the CCN amendment | March 13, 2019                 |
| Deadline for parties to file a response to Staff's recommendation   | March 27, 2019                 |
| 120-day deadline for the Commission to approve the sale or require a hearing  | May 13, 2019 <sup>2</sup>      |

#### IV. CONCLUSION

For the reasons discussed above, Staff recommends that Aqua Texas's notice be deemed sufficient and respectfully requests that the amended proposed procedural schedule be adopted.

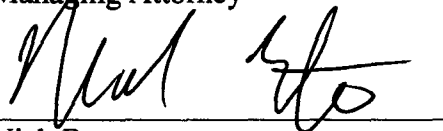
Dated: January 22, 2019

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Margaret Uhlig Pemberton  
Division Director

Stephen Mack  
Managing Attorney



Nick Buratto  
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<sup>1</sup> Pursuant to 16 TAC § 24.239(b), the intervention period shall not be less than 30 days unless good cause is shown. Notice was completed on January 11, 2019. 30 days after January 11, 2019 is Sunday February 10, 2019, and the next business day is February 11, 2019.

<sup>2</sup> Pursuant to 16 TAC § 24.239(a) and (j), the deadline for Commission action is 120 days after the mailing or publication of notice, whichever occurs later. One hundred twenty days after January 11, 2019 is May 11, 2019, and the next business day is May 13, 2019.

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**DOCKET NO. 48897**

**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on January 22, 2019, in accordance with 16 TAC § 22.74.

  
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Nick Buratto

