



Control Number: 49230



Item Number: 12

Addendum StartPage: 0

DOCKET NO. 49230

| | | |
|--------------------------------------|----------|----------------------------------|
| APPLICATION OF TIMBERLANE | § | PUBLIC UTILITY COMMISSION |
| WATER SYSTEM, INC. AND SIMPLY | § | |
| AQUATICS, INC. FOR SALE, | § | OF TEXAS |
| TRANSFER, OR MERGER OF | § | |
| FACILITIES AND CERTIFICATE | § | |
| RIGHTS IN SABINE COUNTY | § | |

ORDER NO. 5
FINDING APPLICATION INCOMPLETE AND DEFICIENT
AND ESTABLISHING AN OPPORTUNITY TO CURE

This Order addresses the administrative completeness of the application of Timberlane Water System, Inc. and Simply Aquatics, Inc. for sale, transfer, or merger of facilities and certificate rights in Sabine County filed on February 15, 2019, and supplemented on June 26, 2019 and August 16, 2019.

Commission Staff recommends the application be found administratively incomplete for further review. Upon evaluation of the Commission Staff recommendation, the application remains administratively incomplete and deficient, and insufficient for further review under 16 Texas Administrative Code (TAC) § 24.8(b) until the deficiencies are corrected.

Under 16 TAC § 24.8(d), the Commission does not consider an application filed until it finds the application administratively complete. Thus, at this time the application is not considered filed with the Commission.

On or before October 16, 2019, Timberlane and Simply Aquatics must supplement the application to cure the deficiencies described in Fred Bednarski III's September 16, 2019 memorandum. Until the Commission receives and reviews the supplemental information, the application cannot proceed. Timberlane and Simply Aquatics must not issue notice until the application is deemed administratively complete.

On or before November 15, 2019, Commission Staff must file a supplemental recommendation regarding the administrative completeness of the application, along with a proposed procedural schedule, if appropriate.

Signed at Austin, Texas the 17th day of September 2019.

PUBLIC UTILITY COMMISSION OF TEXAS



**CHRISTOPHER OAKLEY
ADMINISTRATIVE LAW JUDGE**