



Control Number: 49230



Item Number: 39

Addendum StartPage: 0



DOCKET NO. 49230

**APPLICATION OF TIMBERLANE
WATER SYSTEM, INC. AND SIMPLY
AQUATICS, INC. FOR SALE,
TRANSFER, OR MERGER OF
FACILITIES AND CERTIFICATE
RIGHTS IN SABINE COUNTY**

§
§
§
§
§
§

**PUBLIC UTILITY COMMISSION
OF TEXAS**

**COMMISSION STAFF’S RECOMMENDATION
ON SUFFICIENCY OF CLOSING DOCUMENTS**

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest and files this Recommendation on Sufficiency of Closing Documents. In support thereof, Staff shows the following:

I. BACKGROUND

On February 15, 2019, Simply Aquatics, Inc. and the Timberlane Water System, Inc. (collectively, Applicants) filed an application for sale, transfer, or merger of facilities and certificate rights in Sabine County, Texas. Specifically, the Applicants seek to transfer Timberlane’s facilities and service area under water Certificate of Convenience and Necessity (CCN) Number 12336 to Simply Aquatics.

On September 1, 2020, the Administrative Law Judge issued Order No. 17, requiring the Applicants to file supplemental documentation addressing the deficiencies identified in Order No. 16 by September 14, 2020. The Applicants filed supplemental closing documents on September 10, 2020. Order No. 17 also required Staff to file a supplemental recommendation on the closing documents by September 28, 2020. Therefore, this pleading is timely filed.

II. SUPPLEMENTAL SUFFICIENCY OF CLOSING DOCUMENTS

Staff reviewed the Applicants’ closing documents filed on September 10, 2020, along with the customer deposit records filed on July 13, 2020. The supplemental documentation meets the requirements of 16 Texas Administrative Code §§ 24.239(k)-(n). Therefore, Staff recommends that the Applicants’ closing documents be found sufficient, because the Applicants have cured the deficiencies identified in Order No. 16 and customer deposits have been appropriately addressed.

III. PROPOSED PROCEDURAL SCHEDULE

Staff requests adoption of the following procedural schedule:

Event	Date
Deadline for Staff to provide final maps, certificates, and tariffs (if applicable) to Applicants for review and consent	October 28, 2020
Deadline for Applicants to file signed consent form	November 8, 2020
Deadline for parties to file a proposed Notice of Approval, including proposed findings of fact, conclusions of law, and ordering paragraphs	November 19, 2020

IV. CONCLUSION

Staff respectfully requests the issuance of an order finding the closing documents sufficient and adopting the proposed procedural schedule.

Dated: September 28, 2020

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Rachelle Nicolette Robles
Division Director

/s/ Rashmin J. Asher
Rashmin J. Asher
State Bar No. 24092058
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7216
(512) 936-7268 (facsimile)
Rashmin.Asher@puc.texas.gov

DOCKET NO. 49230

CERTIFICATE OF SERVICE

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on September 28, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664

/s/ Rashmin J. Asher
Rashmin J. Asher