



Control Number: 49691



Item Number: 28

Addendum StartPage: 0

DOCKET NO. 49691

**APPLICATION OF PERRY WATER §
SUPPLY CORPORATION AND TRI- §
COUNTY SPECIAL UTILITY DISTRICT §
FOR SALE, TRANSFER, OR MERGER §
OF FACILITIES AND CERTIFICATE §
RIGHTS IN FALLS, MCLENNAN, §
ROBERTSON AND LIMESTONE §
COUNTIES §**

**2020 JUN 25 AM 10:51
PUBLIC UTILITY COMMISSION
OF TEXAS**

**COMMISSION STAFF'S RECOMMENDATION ON SUFFICIENCY OF THE
CLOSING DOCUMENTS AND PROPOSED PROCEDURAL SCHEDULE**

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this Commission Staff's Recommendation on Sufficiency of the Closing Documents and Proposed Procedural Schedule. Staff recommends that the closing documents are sufficient. In support thereof, Staff would show the following:

I. BACKGROUND

On July 1, 2019, Perry Water Supply Corporation (Perry) and Tri-County Special Utility District (Tri-County) (collectively, Applicants) filed an application for sale, transfer, or merger (STM) of facilities and certificate rights in Falls, McLennan, Robertson, and Limestone counties. Specifically, the applicants seek to transfer all of Perry's facilities and water service area under Certificate of Convenience and Necessity (CCN) No. 11129 to Tri-County's water CCN No. 10054 and to subsequently cancel CCN No. 11129. The service area to be transferred includes 606 acres and 136 current customers.

On March 11, 2020, Order No. 9 was issued, authorizing the Applicants to proceed with the proposed transaction. The Order required the Applicants to file monthly updates regarding the status of the closing and, upon closing, submit documents evidencing that the transaction was consummated. On June 10, 2020, the Applicants filed closing documents illustrating the completion of the transaction.

Order No. 9 also required Staff to file, within 15 days following the date that the Applicants' proof of closing is filed, a recommendation on the sufficiency of the closing documents and to propose a procedural schedule for continued processing of the docket. Therefore, this pleading is timely filed.

28

II. SUFFICIENCY OF CLOSING DOCUMENTS

Staff has reviewed the closing documents filed by Applicants on June 10, 2020 and recommends that the filing satisfies the requirements of 16 Texas Administrative Code (TAC) §§ 24.239(k)-(n). Specifically, the sale and transfer was completed following the issuance of Order No. 9, wherein the transferee received notice from the Commission that a hearing would not be requested.¹ Further, the closing documents were filed within thirty (30) days after the effective date of the transaction.² The closing documents were also signed by both the transferor and the transferee and reflected that customer deposit funds were transferred as part of the sale.³ Therefore, Staff recommends that the closing documents be found sufficient.

III. PROPOSED PROCEDURAL SCHEDULE

In accordance with Staff's recommendation that Applicants' closing documents be found sufficient, Staff proposes the following procedural schedule for the continued processing of the docket:

Event	Deadline
Deadline for Staff to provide final maps, certificates, and tariffs (if applicable) to Applicants for review and consent	July 15, 2020
Deadline for Applicants to file signed consent forms with the Commission	July 29, 2020
Deadline for parties to jointly file a proposed Notice of Approval, including proposed findings of fact, conclusions of law and ordering paragraphs	August 5, 2020

IV. CONCLUSION

Staff recommends that the closing documents be found sufficient and that the above-proposed procedural schedule be adopted. Staff respectfully requests that an order be issued consistent with the foregoing recommendations.

¹ See 16 Tex. Admin. Code § 24.239(k)(2).

² See 16 Tex. Admin. Code § 24.239(n).

³ *Id.*

Dated: June 25, 2020

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Rachelle Nicolette Robles
Division Director

Heath D. Armstrong
Managing Attorney

/s/Courtney Dean
Courtney N. Dean
State Bar No. 24116269
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7235
(512) 936-7268 (facsimile)
courtney.dean@puc.texas.gov

DOCKET NO. 49691

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 June 25, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/Courtney Dean
Courtney N. Dean