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DOCKET NO. 50059



**APPLICATION OF DOUBLE
DIAMOND UTILITIES COMPANY,
INC., DOUBLE DIAMOND
PROPERTIES CONSTRUCTION
COMPANY, AND MIDWAY WATER
UTILITIES, INC. FOR SALE,
TRANSFER, OR MERGER OF
FACILITIES AND CERTIFICATE
RIGHTS IN HILL, PALO PINTO,
JOHNSON, AND GRAYSON
COUNTIES**

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**PUBLIC UTILITY COMMISSION
OF TEXAS**

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

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this recommendation. Staff recommends that the closing documents be found sufficient. In support thereof, Staff would show the following:

I. BACKGROUND

On September 27, 2019, Midway Water Utilities, Inc. (Midway), Double Diamond Utilities Co., and Double Diamond Properties Construction Co. (Double Diamond) (collectively, Applicants) filed an application for a transfer of assets and service area. Double Diamond seeks to sell the assets of water Certificate of Convenience and Necessity (CCN) Nos. 12087 and 13235 and sewer CCN No. 20705 and transfer the respective water and sewer CCNs to Midway. The application is filed pursuant to Texas Water Code (TWC) § 13.301 and 16 Texas Administrative Code (TAC) § 24.239. Additionally, Midway proposes to consolidate water CCN Nos. 12087 and 13235 into water CCN No. 12087.

On May 11, 2020, Order No. 9 was issued, approving the sale to proceed and requiring Staff file a recommendation regarding the sufficiency of the documents and propose a schedule for continued processing of this docket within fifteen days of the Applicants filing proof that the transaction was consummated. The Applicants filed said proof on July 2, 2020. This pleading, therefore, is timely filed.

II. RECOMMENDATION

Staff has reviewed the closing documents filed by the Applicants on July 2, 2020. The Applicants have affirmed that there are no outstanding customer deposits and have provided evidence that the transaction has closed as proposed. The Bill of Sale was filed within 30 days of the June 12, 2020 effective date and was signed by a representative for the purchaser and the seller.¹ Based on its review, Staff recommends that the filing meets the requirements of 16 TAC § 24.239(k)-(n) and that the closing documents be found sufficient.

III. CONCLUSION

Staff respectfully requests the issuance of an order consistent with the foregoing recommendation.

Dated: July 15, 2020

Respectfully submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

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/s/ Creighton R. McMurray

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¹ 16 TAC § 24.239(n).

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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 July 15, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Creighton R. McMurray

Creighton R. McMurray