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DOCKET NO. 50224

APPLICATION OF CITY OF	§	PUBLIC UTILITY COMMISSION
BRUCEVILLE-EDDY AND ELM	§	
CREEK WATER SUPPLY	§	OF TEXAS
CORPORATION FOR SALE,	§	
TRANSFER, OR MERGER OF	§	
FACILITIES AND CERTIFICATE	§	
RIGHTS IN MCLENNAN COUNTY	§	

**COMMISSION STAFF'S RECOMMENDATION ON THE 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 the Sufficiency of the Closing Documents and Proposed Procedural Schedule. Staff recommends that the closing documents are sufficient. In support thereof, Staff shows the following:

I. BACKGROUND

On November 12, 2019, the City of Bruceville-Eddy (Bruceville-Eddy) and Elm Creek Water Supply Corporation (Elm Creek WSC) (collectively, Applicants) filed an application for approval of the sale, transfer, or merger of facilities and certificate of convenience and necessity (CCN) rights in McLennan County. Bruceville-Eddy seeks to transfer a portion of its water service area held under CCN No. 11285 to Elm Creek WSC, to be held under Elm Creek WSC's water CCN No. 10031. The requested sale and transfer includes approximately 20 acres and 0 connections.

On September 4, 2020, Order No. 7 was issued, authorizing the Applicants to proceed with the proposed transaction. The Order required the Applicants to submit documents evidencing proof of closing within 30 days of the date the transaction was completed. The Applicants filed proof of closing documents on September 17, 2020 and a First Amended Proof of Closing (amended closing documents) on September 30, 2020.

Order No. 7 also required Staff to file, within 15 days of the date the proof of closing is filed, a recommendation on the sufficiency of the closing documents and a proposed procedural schedule. Therefore, this pleading is timely filed.

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II. SUFFICIENCY OF CLOSING DOCUMENTS

Staff has reviewed the closing documents filed on September 17, 2020 and the amended closing documents filed on September 30, 2020 and recommends that the documents satisfy the requirements of 16 Texas Administrative Code (TAC) §§ 24.239(k)-(n). Specifically, the transaction was completed following the issuance of Order No. 7, wherein the Applicants received notice from the Commission that a hearing would not be requested.¹ Further, the closing documents were filed within thirty days of the effective date of the transaction and were signed by both the transferor and transferee.² There were no outstanding customer deposit funds to be addressed as part of the sale.³ Staff therefore recommends that the closing documents be found sufficient.

III. PROPOSED PROCEDURAL SCHEDULE

Staff recommends that the closing documents be found sufficient. Therefore, Staff proposes the following procedural schedule:

Event	Deadline
Deadline for Staff to provide final maps, certificates, and tariffs (if applicable) to Applicants for review and consent	November 2, 2020
Deadline for Applicants to file signed consent forms with the Commission	November 13, 2020
Deadline for parties to jointly file a proposed Notice of Approval, including proposed findings of fact, conclusions of law and ordering paragraphs	November 24, 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 (TAC) § 24.239(i)(2).

² See 16 TAC § 24.239(l).

³ See 16 TAC § 24.239(k)-(l).

Dated: October 2, 2020

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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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 October 2, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/Courtney Dean
Courtney N. Dean