



Control Number: 50224



Item Number: 32

Addendum StartPage: 0

**DOCKET NO. 50224**

RECEIVED

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

**PUBLIC UTILITY COMMISSION  
OF TEXAS**  
2020 DEC 11 AM 10:35  
PUBLIC UTILITY COMMISSION  
CLERK

**COMMISSION STAFF'S RESPONSE TO ORDER NO. 9**

**COMES NOW** the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this Commission Staff's Response to Order No. 9. 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.

On December 8, 2020, Order No. 9 in this proceeding was filed, requiring Staff to file a response indicating whether a final recommendation on approval of the application is required at this point in the proceeding. Order No. 9 did not establish a deadline for Staff's response. Therefore, this pleading is timely filed.

**II. STAFF'S RESPONSE**

Staff recommends that while a final recommendation on approval of the application may be beneficial in processing the final approval of the application, it is not required. Under 16 Texas Administrative Code (TAC) § 24.239(n), an order approving the transaction may be issued if there is no hearing required and the transaction was completed as proposed. Because no hearing has been requested and Staff verified the completion of the transaction in its recommendation on the sufficiency of the closing documents, Staff recommends that a final recommendation is not required.

### III. PROPOSED AMENDED PROCEDURAL SCHEDULE

Staff recommends that a final recommendation of the application is not necessary at this time. However, in order to accommodate holiday closures and to allow the parties time draft a joint proposed motion to admit evidence and notice of approval, Staff respectfully requests that the procedural schedule be amended as follows:

Event	Deadline
Deadline for parties to jointly file a proposed notice of approval, including proposed findings of fact, conclusions of law, and ordering paragraphs	January 13, 2021

### IV. CONCLUSION

Staff respectfully requests that the deadline for the parties to file a joint proposed notice of approval be extended until January 13, 2021

Dated: December 11, 2020

Respectfully submitted,

#### **PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION**

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/s/Courtney Dean

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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 December 11, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/Courtney Dean  
Courtney N. Dean