



Control Number: 51128



Item Number: 9

Addendum StartPage: 0

RECEIVED

DOCKET NO. 51128

2020 DEC -7 PM 3:09

APPLICATION OF HARRISON	§	PUBLIC UTILITY COMMISSION
WILLIAMS AND MANVEL TERRACE	§	FILING CLERK
UTILITIES, INC. FOR WATER	§	OF TEXAS
UTILITY STOCK TRANSFER	§	

JOINT MOTION TO ADMIT EVIDENCE AND PROPOSED NOTICE OF APPROVAL

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and with agreement from Harrison Williams (Mr. Williams) and Manvel Terrace Utilities, Inc. (Manvel) (Applicants) (collectively, the Parties), files this Joint Motion to Admit Evidence and Proposed Notice of Approval. In support thereof, Staff shows the following:

I. BACKGROUND

On July 31, 2020, Applicants filed a request for approval of a water utility stock transfer pursuant to Texas Water Code (TWC) § 13.302 and 16 Texas Administrative Code (TAC) § 24.243. Under the transaction, Jennifer Jamison would sell 100% of her stock and ownership interest in Manvel to Mr. Williams.

On October 21, 2020, the administrative law judge (ALJ) filed Order No. 3, requiring the Parties to file a joint proposed notice of approval by December 7, 2020. Therefore, this pleading is timely filed.

II. JOINT MOTION TO ADMIT EVIDENCE

The Parties request that the following evidence be admitted into the evidentiary record in this proceeding:

- a) The application and all attachments, filed on July 31, 2020 (Interchange Item No. 1);
- b) Certificate of Filing from the Texas Secretary of State, filed on August 4, 2020 (Interchange Item No. 3);
- c) Commission Staff's Recommendation on Administrative Completeness, Proposed Notice, and Procedural Schedule, filed on August 21, 2020 (Interchange Item No. 4);
- d) The confidential Stock Purchase Agreement, annual reports of SP Utility for 2018 and 2019, and income statements for Flow-Tech Utility, filed on October 5, 2020; and

9

- e) Commission Staff's Supplemental Recommendation on Administrative Completeness, Procedural Schedule, and Final Disposition, filed on October 20, 2020 (Interchange Item No. 7).

III. JOINT PROPOSED NOTICE OF APPROVAL

The Parties respectfully request that the attached Proposed Notice of Approval granting Applicants' application to transfer all of the voting stock and ownership interest in Manvel Terrace Utilities, Inc. to Mr. Williams be adopted.

IV. CONCLUSION

The Parties respectfully request that the Commission grant this Motion to Admit Evidence and adopt the attached Joint Proposed Notice of Approval.

Dated December 7, 2020

Respectfully Submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

Rachelle N. Robles
Division Director

Heath Armstrong
Managing Attorney

/s/ Justin C. Adkins
Justin C. Adkins
State Bar No. 24101070
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7289
(512) 936-7268 (facsimile)
Justin.Adkins@puc.texas.gov

DOCKET NO. 51128
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 7, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Justin C. Adkins _____
Justin C. Adkins

DOCKET NO. 51128

APPLICATION OF HARRISON	§	PUBLIC UTILITY COMMISSION
WILLIAMS AND MANVEL TERRACE	§	
UTILITIES, INC. FOR WATER	§	OF TEXAS
UTILITY STOCK TRANSFER	§	

PROPOSED NOTICE OF APPROVAL

This Proposed Notice of Approval addresses the application of Harrison Williams (Mr. Williams) and Manvel Terrace Utilities, Inc. (Manvel) (collectively, Applicants) for transfer of all of the voting stock and ownership interest in Manvel Terrace Utilities, Inc. to Mr. Williams. The Commission approves the application.

I. Findings of Fact

The Commission makes the following findings of fact:

Applicants

1. Manvel is a domestic for-profit corporation registered with the Texas Secretary of State under filing number 78001700.
2. Manvel provides water service under certificate of convenience and necessity (CCN) number 12080 in Harris and Brazoria Counties.
3. Mr. Williams is currently the president and manager of Flow-Tech Utility, LLC, which operates and maintains 26 wastewater treatment facilities and 62 water treatment facilities, including Manvel Terrace Utilities, Inc.'s public water supply, identification number 0200102. Mr. Williams is also currently president and manager of SP Utility Company, Inc., which provides water service under CCN number 12978.
4. Mr. Williams is a class B-licensed water and wastewater operator.
5. Mr. Williams has over 20 years of experience in the water and wastewater utility industry.

Application

6. On July 31, 2020, Applicants filed an application for the purchase of voting stock and transfer of ownership of Manvel to Mr. Williams in accordance with Texas Water Code (TWC) § 13.302 and 16 Texas Administrative Code (TAC) § 24.243.
7. Applicants proposed October 15, 2020 as the effective date of the transaction.

8. Mr. Williams seeks to acquire the sole ownership of facilities and certificate rights of Manvel, which has not had any documented violations with the Texas Commission on Environmental Quality or the U.S. Environmental Protection Agency.
9. On October 21, 2020 the ALJ filed Order No. 3, deeming the application administratively complete.

Adequacy of Financial, Managerial, and Technical Capability—TWC § 13.302; 16 TAC § 24.243

10. Mr. Williams has demonstrated adequate financial, managerial, and technical capability for providing continuous and adequate service.
11. The application provides a new address for Manvel following transfer to Mr. Williams.
12. The proposed transaction will not change or alter the services provided to existing customers served by Manvel or the rates charged for such services within the service areas under CCN number 12080.
13. Additional financial assurance is not necessary for approval of the proposed transaction.

Notice

14. Manvel and Mr. Williams are the only two affected entities, both of whom are aware of the transaction they are entering.
15. In Order No. 2, issued on August 26, 2020, the ALJ found notice sufficient.

Evidentiary Record

16. On December 7, 2020, the parties moved for admission of evidence.
17. In Order No. 4 filed on _____, the ALJ admitted the following evidence into the record: (1) the application and all attachments filed on July 31, 2020; (2) Certificate of Filing from the Texas Secretary of State filed on August 4, 2020; (3) Commission Staff's Recommendation on Administrative Completeness, Proposed Notice, and Procedural Schedule filed on August 21, 2020; (4) the confidential Stock Purchase Agreement, annual reports of SP Utility for 2018 and 2019, and income statements for Flow-Tech Utility filed on October 5, 2020; and (5) Staff's Supplemental Recommendation on Administrative Completeness, Procedural Schedule, and Final Disposition filed on October 20, 2020.

Informal Disposition

18. More than 15 days have passed since the completion of notice provided in this docket.
19. No person filed a protest or motion to intervene.
20. Manvel, Mr. Williams, and Commission Staff are the only parties to this proceeding.
21. No party requested a hearing and no hearing is necessary.
22. Commission Staff recommended approval of the application.
23. The decision is not adverse to any party.

II. Conclusions of Law

The Commission makes the following conclusions of law:

1. The Commission has jurisdiction over this proceeding under Texas Water Code (TWC) §§ 13.041 and 13.302.
2. Manvel is a retail public utility as defined by TWC § 13.002(19) and 16 TAC 24.3(31).
3. This docket was processed in accordance with the requirements of the Texas Water Code, the Administrative Procedure Act,¹ and Commission rules.
4. Notice complies with 16 TAC § 22.55.
5. Mr. Williams has demonstrated that he has the financial, managerial, and technical capability for providing continuous, and adequate service to the water service areas under CCN number 12080 will not change as a result of the approval of this transaction in accordance with TWC § 13.302(b) and 16 TAC § 24.243(b).
6. Manvel and Mr. Williams have demonstrated that the application meets the requirements in TWC § 13.302 and 16 TAC § 24.243.
7. The requirements for informal disposition in 16 TAC § 22.35 have been met in this proceeding.

III. Ordering Paragraphs

In accordance with these findings of fact and conclusions of law, the Commission issues the following orders:

¹ Tex. Gov't Code Ann. §§ 11.001-66.016.

1. The Commission approves the application.
2. The voting stock and ownership interest of Manvel may be transferred to Mr. Williams.
3. Water CCN number 12080 will remain in the name of Manvel Terrace Utilities, Inc.
4. Mr. Williams must file copies of the closing documents evidencing the completed transaction within 30 days after completion.
5. The Commission denies all other motions and any other requests for general or specific relief that have not been expressly granted.

SIGNED AT AUSTIN, TEXAS on the ____ day of December, 2020.

PUBLIC UTILITY COMMISSION OF TEXAS

**HUNTER BURKHALTER
ADMINISTRATIVE LAW JUDGE**