



## Filing Receipt

**Received - 2021-08-04 11:04:34 AM**  
**Control Number - 51353**  
**ItemNumber - 26**

**DOCKET NO. 51353**

<b>APPLICATION OF KICKAPOO FRESH</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>WATER SUPPLY DISTRICT AND</b>	<b>§</b>	
<b>G&amp;W WATER SUPPLY</b>	<b>§</b>	<b>OF TEXAS</b>
<b>CORPORATION FOR SALE,</b>	<b>§</b>	
<b>TRANSFER, OR MERGER OF</b>	<b>§</b>	
<b>FACILITIES AND CERTIFICATE</b>	<b>§</b>	
<b>RIGHTS IN WALLER COUNTY</b>	<b>§</b>	

**COMMISSION STAFF’S SUPPLEMENTAL RECOMMENDATION ON SUFFICIENCY  
OF CLOSING DOCUMENTS**

On September 21, 2020, Kickapoo Fresh Water Supply District (Kickapoo) and G&W Water Supply Corporation (G&W) (collectively, Applicants) filed an application for approval of the sale, transfer, or merger of facilities and certificate rights in Waller County. G&W seeks approval to acquire facilities and to decertify the entirety of Kickapoo’s water service area under certificate of convenience and necessity (CCN) No. 13204. G&W and Kickapoo currently have dual certification over the service area. As a result of the requested transaction, the service area will be singly certificated to G&W under CCN No. 12391 and Kickapoo’s CCN will be cancelled. The requested area includes approximately 495 acres and 50 connections.

On July 12, 2021, the administrative law judge (ALJ) filed Order No. 8 finding the closing documents insufficient and setting a deadline of July 21, 2021 for Applicants to furnish documentation on customer deposits, and a deadline of August 4, 2021 for the Staff of the Public Utility Commission of Texas (Staff) to file a supplemental recommendation on the sufficiency of the closing documents. Therefore, this pleading is timely filed.

**I. SUFFICIENCY OF CLOSING DOCUMENTS**

Staff has reviewed the closing documents filed by Applicants on June 24, 2021 and the supplemental information filed on July 20, 2021. Based on its review, Staff has determined that Applicants’ filing substantially meets the requirements of 16 Texas Administrative Code (TAC) §§ 24.239(k)-(n). The bill of sale is signed by a representative of Kickapoo and G&W<sup>1</sup> and includes

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<sup>1</sup> 16 TAC § 24.239(a).

an effective date of April 15, 2021, which is more than 120 days after October 29, 2020, the date notice was completed.<sup>2</sup>

In the supplemental information filed on July 20, 2021, Applicants provided the affidavit of Julie Swinney, Customer Service Representative for G&W, indicating that on or about April 15, 2021, G&W received a check in the amount of \$3,550 from Kickapoo along with a billing index that included the names and addresses of all customers who had a deposit on record with Kickapoo. The supplemental information also includes the affidavit of Demitra Berry, bookkeeper for McLennan & Associates, an accounting firm working on behalf of Kickapoo, attesting that there was no accumulated interest on customer deposits prior to Kickapoo's dissolution. The filing also includes a table documenting the customer accounts transferred.

This filing meets the requirements of 16 TAC §§ 24.239(k) and (l). Specifically, the supplemental information documents include details on the interest accrued on customer deposits and is supported by affidavits. This corrects the issue addressed in Staff's previous recommendation. Accordingly, based upon Applicants' substantial completion of the requirements, as stated in the Commission rules, Staff recommends that the closing documents be found sufficient.

## **II. PROPOSED PROCEDURAL SCHEDULE**

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

<b>Event</b>	<b>Date</b>
Deadline for Staff to provide final maps, certificates, and tariffs (if applicable) to Applicants for review and consent.	September 3, 2021
Deadline for Applicants to file signed consent forms with the Commission.	September 17, 2021
Deadline for parties to jointly file a proposed notice of Approval, including proposed findings of fact, conclusions of law, and ordering paragraphs.	October 1, 2021

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<sup>2</sup> 16 TAC § 24.239(l).

### **III. CONCLUSION**

For the reasons detailed above, Staff respectfully requests that an order be issued finding that the closing documents filed by Applicants are sufficient. Staff further requests that the procedural schedule proposed above be adopted for continued processing of this docket.

Dated: August 4, 2021

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 August 4, 2021 in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ John Harrison  
John Harrison