



## Filing Receipt

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**DOCKET NO. 51382**

<b>APPLICATION OF DOGWOOD</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>ESTATES WATER COMPANY AND</b>	<b>§</b>	
<b>LAKESHORE UTILITY COMPANY</b>	<b>§</b>	<b>OF TEXAS</b>
<b>FOR SALE, TRANSFER, OR MERGER</b>	<b>§</b>	
<b>OF FACILITIES AND CERTIFICATE</b>	<b>§</b>	
<b>RIGHTS IN HENDERSON COUNTY</b>	<b>§</b>	

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

On October 2, 2020, Sentry Title Company, Inc. dba Lakeshore Utility Company (Lakeshore) and Rick L. Brown dba Dogwood Estates Water Company (Dogwood Estates) (collectively, the Applicants) filed an application for approval of the sale, transfer, or merger of facilities and certificate of convenience and necessity (CCN) rights in Henderson County. Specifically, Lakeshore seeks approval to acquire facilities and to transfer all the water service area from Dogwood Estates under water CCN number 10823. The requested area includes 7,238 acres and 422 current customers. On October 29, 2020, the Applicants filed a supplement to their application.

On December 21, 2021, the administrative law judge (ALJ) filed Order No. 8, requiring Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a recommendation regarding the sufficiency of the closing documents and propose a schedule for continued processing of this docket by December 29, 2021. Therefore, this pleading is timely filed.

**I. SUFFICIENCY OF CLOSING DOCUMENTS**

Staff has reviewed the closing documents filed by the Applicants on December 21, 2021 and recommends that they be found deficient. Based on its review, Staff has determined that the Applicants’ filing does not meet the requirements of 16 Texas Administrative Code (TAC) § 24.239(a) and (k)-(m). Specifically, the Applicants did not include the names and addresses of all customers who have a deposit on record with the transferor as required by 16 TAC § 24.239(k)(1). In addition, 16 TAC § 24.239(k) requires that the information be supported by an affidavit. Therefore, Staff recommends that the Applicants be ordered to file the names and addresses of all customers who have a deposit on record with the transferor and submit a sworn affidavit to cure the deficiencies in the closing documents.

## **II. COMMENTS ON PROCEDURAL SCHEDULE**

In accordance with Staff's deficiency recommendation, Staff does not propose a procedural schedule for further processing of the docket at this time. Staff intends to propose a procedural schedule alongside a subsequent recommendation for closing document sufficiency.

## **III. CONCLUSION**

For the reasons stated above, Staff respectfully recommends that the closing documents be found insufficient at this time and that the Applicants be ordered to file a supplement addressing the identified deficiencies.

Dated: December 22, 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 December 22, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Arnett D. Caviel

Arnett D. Caviel