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Received - 2021-10-13 01:04:22 PM

Control Number - 52089

ItemNumber - 27

DOCKET NO. 52089

APPLICATION OF ALPHA UTILITY	§	PUBLIC UTILITY COMMISSION
OF CAMP COUNTY, LLC AND CSWR-	§	
TEXAS UTILITY OPERATING	§	OF TEXAS
COMPANY FOR SALE, TRANSFER,	§	
OR MERGER OF FACILITIES AND	§	
CERTIFICATE RIGHTS IN CAMP	§	
COUNTY	§	

COMMISSION STAFF’S RECOMMENDATION ON THE TRANSACTION

On May 6, 2021, CSWR-Texas Utility Operating Company, LLC (CSWR) and Alpha Utility of Camp County, LLC (Alpha Utility) (collectively, the Applicants) filed an application for approval of the sale and transfer of facilities and certificate rights in Camp County. Specifically, the Applicants seek approval for CSWR, certificate of convenience and necessity (CCN) No. 13290, to acquire facilities and to transfer all of the water service area from Alpha Utility under water CCN No. 12696. The applicants filed supplemental information on June 23, 2021.

On September 3, 2021, the administrative law judge (ALJ) filed Order No. 5, establishing a deadline of October 13, 2021 for the Staff (Staff) of the Public Utility Commission of Texas (Commission) to request a hearing or file a recommendation on the approval of the sale. Therefore, this pleading is timely filed.

I. RECOMMENDATION TO ALLOW THE TRANSACTION TO PROCEED

Staff has reviewed the application and, as detailed in the attached memoranda of Jolie Mathis of the Commission’s Infrastructure Division and Fred Bednarski of the Commission’s Rate Regulation Division, recommends that the proposed transaction satisfies the relevant statutory and regulatory criteria, including those factors identified in Texas Water Code Chapter 13 and 16 Texas Administrative Code Chapter 24. Additionally, based upon its review, Staff recommends that CSWR has demonstrated that it possesses the financial, technical, and managerial capability to provide continuous and adequate service to the area subject to the proposed transaction. Therefore, Staff recommends the entry of an order permitting the proposed transaction to proceed. Staff notes that there are customer deposits held by Alpha Utility that will need to be addressed.

II. CONCLUSION

For the reasons discussed above, Staff respectfully requests that an order be issued allowing the proposed transaction to proceed.

Dated: October 13, 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 October 12, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Forrest Smith
Forrest Smith

Public Utility Commission of Texas

Memorandum

TO: Forrest Smith, Attorney
Legal Division

FROM: Jolie Mathis, Utility Engineering Specialist
Infrastructure Division

DATE: October 13, 2021

RE: Docket No. 52089 – *Application of Alpha Utility of Camp County, LLC and CSWR-Texas Utility Operating Company, LLC for Sale, Transfer, or Merger of Facilities and Certificate Rights in Camp County*

1. Application

CSWR-Texas Operating Utility Company (CSWR) and the Alpha Utility of Camp County, LLC (Alpha Utility) (collectively, Applicants) filed an application for sale, transfer, or merger (STM) of facilities and certificate rights in Camp County, Texas, under Texas Water Code (TWC) § 13.301 and 16 Texas Administrative Code (TAC) § 24.239.

CSWR, certificate of convenience and necessity (CCN) No. 13290, seeks approval to acquire facilities and to transfer all of the water service area from Alpha Utility under water certificate of convenience and necessity (CCN) No. 12696.

The requested area includes 163 current customers and approximately 217 acres of transferred area (from CCN No. 12696).

The result of the application will be the subtraction of approximately 217 acres from CCN No. 12696 and the addition of approximately 217 acres to CCN No. 13290.

2. Notice

CSWR provided notice consistent with 16 TAC § 24.239(c). The deadline to intervene was September 13, 2021; there were no motions to intervene, protests, or opt-out requests received.

3. Factors Considered

Under TWC §§ 13.241 and 13.246 and 16 TAC §§ 24.11(e), 24.227 and 24.239, the Commission must consider certain factors when granting or amending a water or sewer CCN. These factors are addressed below.

3.1. Consideration of the adequacy of service currently provided to the requested area and system compliance (TWC §13.246(c)(1), 13.301(e)(3)(A); 16 TAC §§ 24.227(a) and (e)(1), 24.239(h)(3)(A), (h)(5)(A), and (h)(5)(D)).

Alpha Utility has a Texas Commission on Environmental Quality (TCEQ) approved public water systems (PWS) registered as Woodland Harbor, PWS ID No. TX0320014. The last TCEQ compliance investigation of the Alpha Utility system was on October 12, 2020. Four violations or concerns were noted as a result of that investigation. In addition, the Commission's complaint records, which cover the last three years, show one complaint against Alpha Utility.

Alpha Utility has several violations and additional issues that need to be addressed that include Well Rehab, Tank Inspection, and Distribution Improvements. CSWR-Texas stated they intend to invest the capital required to make the upgrades, renovations, and repairs necessary to bring the water systems into compliance with TCEQ regulations and to ensure customers receive safe and reliable service. The needed improvements will begin when the systems are officially transferred to CSWR-Texas. Once the water systems are compliant with TCEQ regulations, the service provided to the requested area will be adequate.

3.2. Consideration of the need for additional service in the requested area (TWC § 13.246(c)(2); 16 TAC §§ 24.227(e)(2) and 24.239(h)(5)(B)).

The purpose of the transaction is to transfer Woodland Harbor to CSWR. The customers are currently receiving water service from Alpha Utility's water system.

There are currently 163 existing customers in the requested area, therefore, there is a need for service. No additional service is needed at this time.

3.3. Consideration of the effect of granting an amendment on the recipient of the certificate or amendment, on the landowners in the area, and on any other retail public utility of the same kind already servicing the proximate area (TWC § 13.246(c)(3), 16 TAC §§ 24.227(e)(3), 24.239(h)(5)(c)).

CSWR will be the certificated entity for the requested area and be required to provide adequate and continuous service to the requested area.

There will be no effect on landowners as the area is currently certificated.

There will be no effect on any retail public utility servicing the proximate area. All retail public utilities in the proximate area were provided notice of the transaction taking place in this application and did not request to intervene.

3.4. Consideration of the managerial and technical ability of the applicant to provide adequate service (TWC §§ 13.241(a) and (b), 13.246(c)(4); and 13.301(b) and (e)(2); 16 TAC §§ 24.227(a) and (e)(4), and 24.239(f) and (h)(5)(D)).

Alpha Utility has a Texas Commission on Environmental Quality (TCEQ) approved public water systems (PWS) registered as Woodland Harbor, PWS ID No. TX0320014. The last TCEQ compliance investigation of the Alpha Utility system was on October 12, 2020. Four violations or concerns were noted as a result of that investigation. In addition, the

Commission's complaint records, which cover the last three years, show one complaint against Alpha Utility.

Alpha Utility has several violations and additional issues that need to be addressed that include Well Rehab, Tank Inspection, and Distribution Improvements. CSWR-Texas stated they intend to invest the capital required to make the upgrades, renovations, and repairs necessary to bring the water systems into compliance with TCEQ regulations and to ensure customers receive safe and reliable service. The needed improvements will begin when the systems are officially transferred to CSWR-Texas. Once the water systems are compliant with TCEQ regulations, the service provided to the requested area will be adequate.

TCEQ rule, 30 TAC § 290.46, Minimum Acceptable Operating Practices for Public Drinking Water Systems, requires the operation of a public water system by trained and licensed personnel. The production, treatment, and distribution facilities at the public water system must be operated at all times under the direct supervision of a water works operator who holds an applicable, valid license issued by the TCEQ executive director. The licensed operator of a public water system may be an employee, contractor, or volunteer. CSWR-Texas plans to use a contract operator for plant operations, which would include one or more appropriately qualified and licensed operator(s). The contract operator(s) would be responsible for day-to-day inspections, checks, sampling, reporting, meter reading, and any necessary system repairs.

Based on orders filed in previous CSWR-Texas dockets where the administrative law judge requested Staff take into consideration all prior CSWR-Texas STM dockets in which Staff recommended the transaction should be allowed to proceed, Staff is including the list of dockets reviewed below:

- Docket No. 50251 was finalized by the Commission on March 12, 2021. In this application, CSWR-Texas acquired the public water system Coletto Water, PWS No. 2350036, and associated facilities, approximately 438 acres of service area, and 211 connections in Victoria County from JRM Water, LLC.
- Docket No. 50276 was finalized by the Commission on March 11, 2021. In this application, CSWR-Texas acquired the public water system North Victoria Utilities, PWS No. 2350049, and associated facilities, approximately 307 acres of service area, and 77 connections in Victoria County from North Victoria Utilities, Inc.
- Docket No. 50311 was finalized by the Commission on March 17, 2021. In this application, CSWR-Texas acquired the public water system Copano Heights Water, PWS No. 0040017, and associated facilities, approximately 61 acres of service area, and 110 connections in Aransas County from Copano Heights Water Company.
- Docket No. 51065 was finalized by the Commission on March 9, 2021. In this application, CSWR-Texas acquired the public water system Treetop Estates, PWS No. 1840134, and associated facilities, approximately 93 acres of service area, and 35 connections in Parker County from Treetop Utilities, LLC.

- Docket No. 51118 was finalized by the Commission on March 18, 2021. In this application, CSWR-Texas acquired the public water systems Shady Oaks Water, PWS No. 2470017; Hickory Hill Water, PWS No. 2470018; Arrowhead Water, PWS No. 2470025; and C Willow Water, PWS No. 2470019, and associated facilities, approximately 1,828 acres of service area, and 560 connections in Wilson County from Shady Oaks Water Supply Company, LLC.
- Docket No. 51026 was finalized by the Commission on April 23, 2021. In this application, CSWR-Texas acquired the public water system Tall Pines, PWS No. 1010220, and associated facilities, approximately 42 acres of service are, and 73 connections in Harris County from Tall Pines Utility, Inc.
- Docket No. 51031 was finalized by the Commission on April 14, 2021. In this application, CSWR-Texas acquired the public water systems Council Creek Village, PWS No. 0270014; South Council Creek 1, PWS No. 0270079; and South Council Creek 2, PWS No. 0270080, and associated facilities, approximately 275 acres of service area, and 176 connections in Burnet County from Council Creek Village, Inc. dba Council Creek Village dba South Council Creek 2.
- Docket No. 51047 was finalized by the Commission on April 19, 2021. In this application, CSWR-Texas acquired the public water system South Silver Creek I II & III, PWS No. 0270041, and associated facilities, approximately 169 acres of service area, and 103 connections in Burnet County from Jones-Owen dba South Silver Creek I II & III.
- Docket No. 50989 was finalized by the Commission on April 23, 2021. In this application, CSWR-Texas acquired the public water systems Hillside Estates Water System, PWS No. 0080049; Meadowview Estates, PWS No. 0080051; Settlers Meadows Water System, PWS No. 0080055; Settlers Estates Sec II, PWS No. 0080056; Settlers Crossing Water System, PWS No. 0080058; Meadowview Estates II, PWS No. 0080059; and Settlers Crossing Water System 2, PWS No. 0080060, and associated facilities, approximately 638 acres of service area, and 316 connections in Austin County from Ranch Country of Texas Water Systems, Inc.
- Docket No. 51130 was finalized by the Commission on April 20, 2021. In this application, CSWR-Texas acquired the public water system Laguna Tres Subdivision, PWS No. 1110019, and associated facilities from Laguna Tres, CSWR Also acquired the public water system Laguna Vista Subdivision, PWS No. 1110095 and associated facilities and unpermitted wastewater facilities from Laguna Vista. The total certificated area amended to CSWR-Texas' CCN was 362 acres of water service area, with 446 water connections and 6 acres of sewer service area with 5 connections in Hood County.
- Docket No. 51146 was finalized by the Commission on April 23, 2021. In this application, CSWR-Texas acquired the public water system Abraxas Utilities, PWS No. 1840034, Wastewater Discharge Permit No. WQ 00150-10001, and associated

facilities, approximately 721 acres of service area, and 437 connections in Parker County from Abraxas Corporation.

- In Docket No. 51036, Woodlands West has a non-public water system registered with the TCEQ as Woodlands West, PWS No. 0260043. Woodlands West has one monitoring violation listed in the TCEQ database. CSWR-Texas indicated that it will address this deficiency to ensure that, after closing the sale, the full operation of the public water system can continue in accordance with Commission and TCEQ rules. For this docket, CSWR-Texas is seeking to transfer approximately 61 acres and 18 connections in Burleson County.
- In Docket No. 51003, the CCN for Oak Hills Ranch Estates Water Company (Oak Hills) is being transferred to CSWR-Texas. The water CCN has a TCEQ approved public water system registered as Oak Hills Ranch Water, PWS No. 0940085. Oak Hills has several violations and additional issues that need to be addressed that include reworking water wells, replacing the ground storage tank, and installing additional pumps. CSWR-Texas stated it intends to invest the capital required to make the upgrades, renovations, and repairs necessary to bring the water system into compliance with TCEQ regulations and to ensure customers receive safe and reliable service. The needed improvements will begin when the systems are officially transferred to CSWR-Texas. Once the water systems are compliant with TCEQ regulations, the service provided to the requested area will be adequate. For this docket, the area to be added to CSWR-Texas' CCN, including uncertificated area, is approximately 1,857 acres and 196 connections in Guadalupe and Wilson counties.
- In Docket No. 51089, there are two CCNs being transferred from Donald E. Wilson dba Quiet Village II dba QV Utility (QV Utility) to CSWR-Texas, one water CCN and one sewer CCN. The water CCN has a TCEQ approved public water system registered as Quiet Village II, PWS No. 1080221. QV Utility purchases wastewater treatment from the City of Donna. There are several violations listed in the TCEQ database for the water system. CSWR-Texas indicated that it will address these deficiencies to ensure that, after closing the sale, the full operation of the public water system can continue in accordance with Commission and TCEQ rules. For this docket, CSWR-Texas is seeking to transfer approximately 18.5 acres and 165 connections in Hidalgo County.
- In Docket No. 51222, Estate of Patetreen Petty McCoy dba Big Wood Springs Water Company (Big Wood Springs) has a public water system registered with the TCEQ as Big Wood Springs Water System, PWS No. 2500019. Big Wood Springs does not have any open violations in the TCEQ databases. For this docket, CSWR-Texas is seeking to transfer approximately 643 acres and 76 connections in Wood County.
- In Docket No. 51642, James L. Nelson dba Waterco (Waterco) has a has a public water system registered with the TCEQ as Waterco, PWS No. 1690028. The application states that there are several violations for this water system that will require immediate capital investment to remedy. CSWR-Texas indicates that it has worked with an engineer to identify the shortcomings in the system and will address

the deficiencies to ensure that, after closing the sale, the full operation of this public water system can continue in accordance with Commission and TCEQ rules. For this docket, CSWR-Texas is seeking to transfer approximately 25 acres and 13 connections in Montague County.

- In Docket No. 51126, Aero Valley Water Service (Aero Valley) has a public water system registered with the TCEQ as Aero Valley Water Service, PWS No. 0610243. There are several violations listed in the TCEQ database. CSWR-Texas will address the violations and deficiencies to ensure that, after closing the sale, the full operation of this public water system can continue in accordance with Commission and TCEQ rules. For this docket, CSWR-Texas is seeking to transfer approximately 46.5 acres, which consists of 32.5 acres of single certification and 14 acres of dual certification with Town of Northlake's CCN No. 12915, with 42 connections in Denton County.
- In Docket No. 51928, Betty J. Dragoo (Dragoo) has a public water system registered with the TCEQ as Thousand Oaks Subdivision, PWS No. 0720054. The last TCEQ compliance investigation of this public water system was on April 10, 2018. The investigation identified one violation for failure to install flush valves on dead end mains. This violation remains unresolved. Staff notes that a violation related to flush valves may not affect the adequacy of water service provided by Dragoo. For this docket, CSWR-Texas is seeking to transfer approximately 96 acres of uncertificated area with 15 connections in Erath County.
- In Docket No. 51544, Franklin Water Service Co. LLC (Franklin) has two public water systems registered with the TCEQ as Franklin Water Systems 1, PWS No. 1520224 and Franklin Water Systems 3, PWS No. 1520080. The last TCEQ compliance investigation of Franklin Water Systems 1 was conducted from February 13, 2019 through February 18, 2019. There were two alleged violations noted for Franklin Water System 1, which were resolved in March 22, 2019. The last TCEQ compliance investigation of Franklin Water Systems 3 was conducted on December 17, 2019. No violations were noted as a result of the investigation at the Franklin Water Systems 3 water plant. For this docket, CSWR-Texas is seeking to transfer approximately 186 acres and 219 connections in Lubbock County.
- In Docket No. 51940, Walnut Bend Water Supply aka Walnut Bend Water System (Walnut Bend) has a public water system registered with the TCEQ as Walnut Bend Water Supply, PWS ID No. 0030037. The last TCEQ compliance investigation of the Walnut Bend water system was on August 11, 2020. No violations or concerns were noted as a result of that investigation. For this docket, CSWR-Texas is seeking to transfer approximately 48 acres and 19 connections in Angelina County.
- In Docket No. 51917, Rocket Water Company, Inc. (Rocket Water) has a public water system registered as The Woodlands Water System, PWS ID number 1050139. The last TCEQ compliance investigation of this system was on September 22, 2017. No violations or concerns were noted as a result of that investigation. For this docket,

CSWR-Texas is seeking to transfer approximately 1,004 acres and 69 connections in Hays County.

- In Docket No. 51981, Live Oak Hills and Flag Creek Ranch Water Systems (Live Oak Hill and Flag Creek) has two public water systems registered as Live Oak Hills Subdivision, PWS No. 1540012 and Flag Creek Ranch, PWS No. 1500112. The last TCEQ compliance investigation of the Live Oak Hill system was on September 18, 2019. Several violations or concerns were noted as a result of that investigation which have since been resolved. The last TCEQ compliance investigation of the Flag Creek Ranch system was on January 24, 2019. No violations or concerns were noted as a result of that investigation. In addition, the Commission's complaint records, which cover the last five years, show no complaints against Live Oak Hill and Flag Creek. For this docket, CSWR-Texas is seeking to transfer approximately 425 acres and 68 connections in Llano and McCulloch Counties.

In each of the following applications, 50251, 50276, 50311, 51065, 51118, 51026, 51031, 51047, 50989, 51130, 51146, 51036, 51003, 51089, 51222, 51642, 51126, 51928, 51544, 51940, 51917, and 51981 CSWR-Texas has stated that it intends to contract with an operations company.

- 3.5. *The applicants' demonstration that regionalization or consolidation with another retail public utility is not economically feasible when construction of a physically separate water or sewer system is required to provide service to the requested area. (TWC § 13.241(d); 16 TAC § 24.227(b)).*

The construction of a physically separate system is not necessary for CSWR to serve the requested area. Therefore, concerns of regionalization or consolidation do not apply.

- 3.6. *Consideration of the feasibility of obtaining service from an adjacent retail public utility (TWC § 13.246(c)(5); 16 TAC §§ 24.227(e)(5) and 24.239(h)(5)(E)).*

Alpha Utility receives service from an adjacent retail public utility and is currently serving customers, but does not have sufficient capacity. CSWR-Texas stated they intend to invest the capital required to make the upgrades, renovations, and repairs necessary to bring the water systems into compliance with TCEQ regulations and to ensure customers receive safe and reliable service. The needed improvements will begin when the systems are officially transferred to CSWR-Texas. Once the water systems are compliant with TCEQ regulations, the service provided to the requested area will be adequate.

- 3.7. *Consideration of the financial ability of the applicant to pay for facilities necessary to provide continuous and adequate service (TWC §§ 13.246(c)(6) and 13.301(b); 16 TAC §§ 24.227(a) and (e)(6), 24.11(e), and 24.239(f) and (h)(5)(F)).*

The Rate Regulation Division will be addressing this criterion in a separate memo.

- 3.8. *Requirement of the applicant to provide a bond or other financial assurance in a form and amount specified by the Commission to ensure that continuous and adequate utility service is provided (TWC §§ 13.246(d), 13.301(c); 16 TAC §§ 24.227(f), 24.239(f)).*

The Rate Regulation Division will be addressing this criterion in a separate memo.

3.9. *Consideration of the environmental integrity and the effect on the land to be included in the certificated area (TWC § 13.246(c)(7) and (9); and 16 TAC §§ 24.227(e)(7) and (9) and 24.239(h)(5)(G)).*

CSWR Texas will operate the system to ensure it is in compliance with all environmental regulations. CSWR Texas is not aware of any negative impacts or disruptions to the environment or land that would result from the transaction.

3.10. *Consideration of the probable improvement in service or lowering of cost to consumers (TWC § 13.246(c)(8); 16 TAC §§ 24.227(e)(8), 24.239(h)(5)(H)).*

CSWR will continue to provide water service to the existing customers in the area. There will be no change in the quality or cost of service to customers.

A preliminary engineering report was commissioned by CSWR Texas to confirm the issues identified by the TCEQ. The report recommends Well Rehab, Tank Inspection, and Distribution Improvements. The cost of these and other upgrades, renovations, and repairs is estimated to be approximately \$226,300. If it is authorized to acquire the system, CSWR Texas intends to invest the capital required to make the upgrades, renovations, and repairs necessary to bring the water system into compliance with TCEQ regulations and ensure customers receive safe and reliable service.

The Applicants meet all of the statutory requirements of TWC Chapter 13 and the Commission's Chapter 24 rules and regulations. Approving this application to transfer water facilities in the requested area, and all of the water service area of the water CCN No. 12696 to CSWR and amending water CCN No. 13290 of CSWR is necessary for the service, accommodation, convenience and safety of the public.

4. Recommendation

Based on the above information, I recommend that the Commission find that the transaction will serve the public interest and that the Applicants be allowed to proceed with the proposed transaction. There are deposits held by Alpha Utility for the customers being served by Woodland Harbor. I further recommend that a public hearing is not necessary.

Public Utility Commission of Texas

Memorandum

TO: Forrest Smith, Attorney
Legal Division

FROM: Fred Bednarski III, Financial Analyst
Rate Regulation Division

DATE: October 13, 2021

RE: Docket No. 52089 - *Application of Alpha Utility of Camp County, LLC and CSWR-Texas Utility Operating Company, LLC for Sale, Transfer, or Merger of Facilities and Certificate Rights in Camp County*

On May 6, 2021, CSWR-Texas Utility Operating Company, LLC (CSWR-Texas) and Alpha Utility of Camp County, LLC (Alpha Utility) filed an application for the sale, transfer, or merger of facilities and certificate rights in Camp County.

I recommend that CSWR-Texas demonstrates the financial and managerial capability needed to provide continuous and adequate service to the area subject to this application. My conclusions are based on information provided by CSWR-Texas before the date of this memorandum and may not reflect any changes in the CSWR-Texas's status after this review.

Ability to serve: financial ability and stability (Texas Water Code (TWC) §§ 13.241(a) and 13.246(c)(6))

An owner or operator of a retail public utility must have the financial resources to operate and manage the utility and to provide continuous and adequate service to the current and requested utility service areas, as established by 16 Texas Administrative Code (TAC) § 24.11. CSWR-Texas must demonstrate that it meets one of the five leverage tests under 16 TAC § 24.11(e)(2) as well as the operations test under 16 TAC § 24.11(e)(3).

Leverage test

My analysis is based on CSWR-Texas' affiliate, CSWR, LLC and Subsidiaries' (CSWR) financial statements ending December 31, 2020. These financial statements contain an unqualified auditor's opinion from RSM US LLP stating that the financial statements present fairly, in all material respects, the financial position of CSWR as of December 31, 2020 and 2019.

CSWR's financial statements, provided in confidential Attachment FB-1, report a debt-to-equity ratio of 0.16. Because the ratio is less than 1.0, CSWR meets the test specified in 16 TAC § 24.11(e)(2)(A). CSWR is also capable, available, and willing to cover temporary cash shortages. Therefore, CSWR-Texas meets the test specified in 16 TAC § 24.11(e)(2)(E).

Operations test

An owner or operator must demonstrate sufficient available cash to cover projected cash shortages for operations and maintenance expense during the first five years of operations, as required by 16 TAC § 24.11(e)(3).

CSWR-Texas' financial projections, as provided in confidential Attachment FB-1, show that there are projected shortages to cover. However, CSWR's financial statements and recent cash balance provided in confidential Attachment FB-1 indicate CSWR possesses sufficient cash and financial ability to pay for capital improvements and necessary equity investments associated with this application as well as those associated with other recently approved or pending applications. Additionally, CSWR-Texas provided an affidavit indicating CSWR's commitment to providing funds necessary for cash required to purchase Alpha Utility's system as well as the other water and wastewater systems included in CSWR-Texas' other recently approved and pending applications. Sufficient cash and net operating income available to cover possible future shortages provide an indication of financial stability and financial and managerial capability. Therefore, CSWR-Texas meets the operations test specified in 16 TAC § 24.11(e)(3).

Financial assurance (TWC § 13.246(d))

Because CSWR-Texas meets the financial tests, I do not recommend that the Commission require additional financial assurance.