



Filing Receipt

Received - 2021-12-15 03:37:07 PM

Control Number - 52616

ItemNumber - 11



December 15, 2021

Via Electronic Filing Only

Fred Bednarski III, Financial Examiner Rate Regulation

Public Utility Commission of Texas

P.O. Box 13326

Austin, Texas 78711-3326

Re: Docket No. 52616; Application of Aus-Tex Parts & Services, Ltd. and Railyard Utility Company, LLC for Sale, Transfer, or Merger of Facilities and Certificate Rights in Hays County

Dear Mr. Bednarski:

Attached hereto in accordance with Title 16 Tex. Admin. Code ("TAC") § 24.11(e), please find Applicant Railyard Utility Company, LLC's leverage test demonstration in the form of an affidavit from its parent company, BVRT Holding Company, LLC, which owns more than 5.0% of Railyard Utility Company, LLC.

If you have any questions or need additional information, please do not hesitate to contact me or my attorneys, Randy Wilburn (512/431-8442) or Helen Gilbert (512/565-4995).

Sincerely,

A handwritten signature in cursive script that reads "Steven Greenberg".

Steven Greenberg

Enclosure

cc: Randall B. Wilburn

STATE OF TEXAS

§
§
§

BEXAR COUNTY

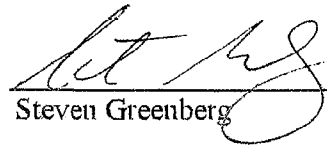
AFFIDAVIT OF STEVEN GREENBERG

Before me, the undersigned notary, on this day personally appeared Steven Greenberg, a person whose identity is known to me. After I administered an oath to Steven Greenberg, upon his oath, he said:

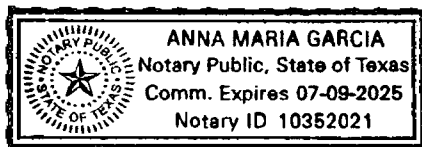
"My name is Steven Greenberg. I am over 18 years of age, of sound mind, and capable of making this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct.


I, Steven Greenberg, being duly sworn, file this affidavit as the Chief Executive Officer of BVRT Holding Company, LLC ("BVRT") which is the owner of Railyard Utility Company, LLC ("Railyard") in accordance with Title 16 Tex. Admin. Code ("TAC") § 24.3(3) of the rules of the Public Utility Commission of Texas ("Commission"). I attest that in such capacity, I am qualified and authorized to file and verify such affidavit, am personally familiar with the STM application, subject of Docket No. 52616, and that all such statements made and matters set forth herein are true and correct. Pursuant to the Commission's financial assurance requirements, 16 TAC § 24.11(e)(2)(E), BVRT will be providing funds to Railyard so that sufficient cash is available to cover any projected operations and maintenance shortages in the first five years of Railyard's operations. This affidavit serves as BVRT's written guarantee of coverage of any temporary cash shortages by Railyard. BVRT has previously filed financial data in this docket to satisfy the leverage test."

Further affiant sayeth not.


Steven Greenberg

Given under my hand and seal of office on December 15, 2021.




Notary Public, State of Texas