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DOCKET NO. 52616

APPLICATION OF AUS-TEX PARTS &	§	PUBLIC UTILITY COMMISSION
SERVICES, LTD. AND RAILYARD	§	
UTILITY COMPANY LLC FOR SALE,	§	OF TEXAS
TRANSFER, OR MERGER OF	§	
FACILITIES AND CERTIFICATE	§	
RIGHTS IN HAYS COUNTY	§	

ORDER NO. 13
FINDING CLOSING DOCUMENTATION INSUFFICIENT AND
ESTABLISHING PROCEDURAL SCHEDULE

This Order addresses the sufficiency of the closing documentation filed by Aus-Tex Parts & Services, Ltd. and Railyard Utility Company LLC on July 25, 2022. The closing documents included a settlement statement indicating that the sales transaction between the applicants was consummated on June 14, 2022. The administrative law judge (ALJ) was unable to locate any information in the closing documents relating to customer deposits.

On August 8, 2022, Commission Staff filed a recommendation on the sufficiency of the closing documentation. Commission Staff states that there are 354 customer connections, but further states that “there were no customer deposits for any customer that needed to be returned.”

Under 16 Texas Administrative (TAC) § 24.239(l), if there are outstanding customer deposits, the transferor and the transferee must file documentation that customer deposits have been transferred or refunded to the customers with interest. Specifically, under 16 TAC § 24.239(k), the transferor and transferee must file a notarized affidavit with the names and addresses of all customers who have a deposit on the record with the transferor, the date such deposit was made, the amount of the deposit, and the unpaid interest on the deposit. The ALJ is unable to locate where customers deposits have been addressed in the record.

The ALJ finds the closing documentation insufficient. The following procedural schedule applies for continued processing of this docket:

Events	Date
Deadline for the applicants to file a supplement addressing the identified deficiencies	August 22, 2022
Deadline for Commission Staff to file a supplemental recommendation on the sufficiency of the closing documents	August 31, 2022

Signed at Austin, Texas the 8th day of August 2022.

PUBLIC UTILITY COMMISSION OF TEXAS



CHRISTINA DENMARK
ADMINISTRATIVE LAW JUDGE