



## Filing Receipt

**Received - 2022-01-26 11:54:32 AM**  
**Control Number - 52890**  
**ItemNumber - 7**

**DOCKET NO. 52890**

<b>APPLICATION OF FLAT FORK</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>WATER SUPPLY CORPORATION AND</b>	<b>§</b>	
<b>CITY OF CENTER FOR SALE,</b>	<b>§</b>	<b>OF TEXAS</b>
<b>TRANSFER, OR MERGER OF</b>	<b>§</b>	
<b>FACILITIES AND CERTIFICATE</b>	<b>§</b>	
<b>RIGHTS IN SHELBY COUNTY</b>	<b>§</b>	

**COMMISSION STAFF'S AMENDED RECOMMENDATION ON ADMINISTRATIVE  
COMPLETENESS AND PROPOSED PROCEDURAL SCHEDULE**

On November 29, 2021, Flat Fork Water Supply Corporation (Flat Fork WSC) and City of Center (Center) (jointly, Applicants) filed an application for approval of the sale, transfer, or merger of facilities and certificate of convenience and necessity (CCN) rights in Shelby County. Applicants seek to acquire facilities and to transfer a portion of the water service area from Flat Fork WSC under water CCN No. 11711.

On January 13, 2022, the administrative law judge filed Order No. 3, directing the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a recommendation regarding the administrative completeness of the application and propose a procedural schedule by January 26, 2022. Therefore, this pleading is timely filed.

**I. ADMINISTRATIVE COMPLETENESS**

Staff has reviewed the application and, as detailed in the attached memorandum by Kathryn Eiland and Fred Bednarski of the Rate Regulation Division, recommends that the application be found administratively incomplete at this time. Staff recommends that Applicants be ordered to cure the deficiencies identified in the attached memorandum by February 9, 2022, and that Staff be given a deadline of February 23, 2022, to file a supplemental recommendation on the administrative completeness of the application. Staff notes that Applicants should not issue notice until the application is found administratively complete.

## **II. 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 that the application be found administratively complete.

## **III. CONCLUSION**

For the reasons detailed above, Staff recommends that the application be found administratively incomplete, that the Applicants be ordered to file supplemental information to cure the deficiencies in the application by February 9, 2022, and that Staff be given a deadline of February 23, 2022, to file a supplemental recommendation on the administrative completeness of the application. Staff respectfully requests an order consistent with these recommendations.

Dated: January 26, 2022

Respectfully submitted,

### **PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION**

Rachelle Nicolette Robles  
Division Director

Rustin Tawater  
Managing Attorney

/s/ Ian Groetsch  
Ian Groetsch  
State Bar No. 24078599  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326  
(512) 936-7465  
(512) 936-7268 (facsimile)  
ian.groetsch@puc.texas.gov

**DOCKET NO. 52890**

**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 January 26, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Ian Groetsch  
Ian Groetsch

# *Public Utility Commission of Texas*

---

## **Memorandum**

**TO:** Ian Groetsch, Attorney  
Legal Division

**FROM:** Kathryn Eiland, Financial Analyst  
Fred Bednarski III, Financial Analyst  
Rate Regulation Division

**DATE:** January 26, 2022

**RE:** Docket No. 52890 - *Application of Flat Fork Water Supply Corporation and City of Center for Sale, Transfer, or Merger of Facilities and Certificate Rights in Shelby County*

---

On November 29, 2021, Flat Fork Water Supply Corporation (Flat Fork WSC) and City of Center (Center) filed an application for the sale and transfer of facilities and certificate rights in Shelby County under the provisions of Texas Water Code § 13.301 and 16 Texas Administrative Code § 24.239.

We reviewed the answers provided to questions 4, 10, 11, 12, and 14 of the application and recommend the application be deemed administratively incomplete, and Flat Fork WSC and Center be required to provide the following information to cure the deficiencies:

1. An electronic copy of Flat Fork WSC's and Center's most recent year-end financial statements, and
2. An original copy of the sale/transfer agreement.