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APPLICATION OF MAUKA WATER LP AND JAMES A. DYCHE DBA CREST WATER COMPANY FOR SALE, TRANSFER, OR MERGER OF FACILITIES AND CERTIFICATE RIGHTS IN JOHNSON COUNTY §
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PUBLIC UTILITY COMMISSION OF TEXAS

COMMISSION STAFF’S RECOMMENDATION ON SUFFICIENCY OF CLOSING DOCUMENTS

I. INTRODUCTION

On February 18, 2022, Mauka Water LP (Mauka Water) and James A. Dyche dba Crest Water Company (Crest Water) (jointly, Applicants) filed an application for approval of the sale, transfer, or merger of facilities and certificate of convenience and necessity (CCN) rights in Johnson County. Applicants seek approval to sell and transfer Mauka Water’s facilities and all of Mauka Water’s certificated area under CCN No. 12917 to Crest Water. The application reflects a requested area of 340 acres and 339 customers.

On March 3, 2023, the administrative law judge (ALJ) filed Order No. 12, establishing a deadline of March 13, 2023, for the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a recommendation on the sufficiency of the proof of closing documentation provided by the Applicants. Therefore, this pleading is timely filed.

II. SUFFICIENCY OF CLOSING DOCUMENTS

Staff has reviewed the closing documents and documentation regarding customer deposits filed by Applicants on February 8, 2023. Based on its review, Staff has determined that Applicants’ filing meet the requirements of 16 Texas Administrative Code (TAC) § 24.239(k)-(n).

Specifically, 16 TAC § 24.239(i) provides that if the commission does not require a hearing, the sale, transfer, or merger may be completed “at the end of the 120-day period described in subsection (a) of this section.” Applicants filed their application on February 18, 2022, and notice was completed on July 18, 2022, as indicated in Staff’s previously filed recommendation on notice sufficiency. Therefore, 120 days after the later of these two dates, which is the date notice was completed, is November 15, 2022. The closing documents filed by the Applicants on February 8, 2023, indicate that the sale, transfer, or merger requested in their application was executed on

February 3, 2022, which is after to the 120-day period set by 16 TAC § 24.239(i). The closing documents also are signed by representatives of both parties to the transaction. Therefore, this supplemental closing documentation complies with the Commission rules.

For these reasons, Staff recommends that the Applicants have complied with the requirements provided by 16 TAC § 24.239. Staff recommends a finding that the closing documents and documentation regarding customer deposits be found sufficient.

III. PROCEDURAL SCHEDULE

Staff recommends the closing documents be deemed sufficient. Staff therefore proposes the following procedural schedule:

Event	Date
Deadline for Staff to provide final maps, certificates, and tariffs (if applicable), to applicants for review and consent.	<i>March 31, 2023</i>
Deadline for Applicants to file signed consent forms with the Commission.	<i>April 17, 2023</i>
Deadline for parties to jointly file Proposed Notice of Approval, including findings of fact, conclusions of law, and ordering paragraphs.	<i>May 1, 2023</i>

IV. CONCLUSION

For the reasons detailed above, Staff respectfully recommends that the proof of closing documentation provided by the Applicants be deemed sufficient and that the ALJ issue an order incorporating the proposed procedural schedule consistent with the above recommendations.

Dated: March 8, 2023

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 March 8, 2023, in accordance with the Second Order Suspending Rules, issued in Project No. 50664.

/s/ Kevin R. Bartz
Kevin R. Bartz