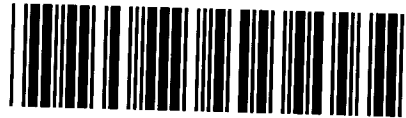


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PUC DOCKET NO. 43895

**APPLICATION OF CONCHO RURAL
WATER CORPORATION TO AMEND
A CERTIFICATE OF CONVENIENCE
AND NECESSITY IN TOM GREEN
COUNTY**

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OF TEXAS
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COMMISSION STAFF'S RESPONSE TO ORDER NO. 5

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this Response to Order No. 5, and would show the following:

I. BACKGROUND

On December 4, 2014, Concho Rural Water Corporation (CRWC) filed with the Public Utility Commission of Texas (Commission) an application to amend its water certificate of convenience No. 11361 in Tom Green County, Texas. On July 1, 2015, Order No. 6 was issued, which deemed the application administratively complete. Order No. 6 also required that CRWC file an affidavit of the provision of notice and publishers affidavit of notice within 30 days of providing the notice and of publication, set the deadline for interested persons to file comments and/or intervene, and required that Staff would file an updated procedural schedule based upon the date notice was mailed by August 28, 2015. Accordingly, this response is timely filed.

II. PROPOSED PROCEDURAL SCHEDULE

Staff has reviewed the affidavits for notice and publication provided by CRWC and filed with the Commission on August 21, 2015. As supported by the attached memorandum from Elisabeth English, Engineering Specialist in the Water Utilities Division, CRWC did not provide a copy of the actual notice sent, and failed to notify the City of San Angelo, one of the entities identified within the 2-mile radius of the proposed area. Staff recommends that CRWC be ordered to issue notice to the City of San Angelo, to submit signed affidavits indicating that notice was given and provide a copy of the actual notices issued, within 30 days of the date of notice.

III. PROCEDURAL SCHEDULE

Staff recommends the following procedural schedule:

Event	Date
Deadline for Applicant to file affidavits of proof of notice	Within 30 days of the date of notice
Deadline for intervention; deadline for intervenors to file comments or request a hearing on the merits	Within 30 days of mailing of notice
Staff to propose an additional procedural schedule, request a hearing, or file a final recommendation.	October 28, 2015

DATED: August 27, 2015

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director - Legal Division


Karen S. Hubbard
Managing Attorney - Legal Division



Jason Haas
Legal Division
State Bar No. 24032386
(512) 936-7295
(512) 936-7268 (facsimile)
Public Utility Commission of Texas
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on August 27, 2015, in accordance with 16 TAC § 22.74.



Jason Haas

PUC Interoffice Memorandum

To: Jason Haas, Attorney
Legal Division

Thru: Tammy Benter, Director
Water Utilities Division

From: Elisabeth English, Engineering Specialist
Water Utilities Division

Date: August 27, 2015

Subject: **Docket No. 43895:** *Application of Concho Rural Water Corporation, to amend its water Certificate of Convenience and Necessity (CCN) in Tom Green County*

On December 1, 2014, Concho Rural Water Corporation (Applicant), filed an application to amend its water Certificate of Convenience and Necessity (CCN) No. 11361 in Tom Green County, pursuant to Texas Water Code §§ 13.242-13.250 (TWC) and Title 16 Tex. Admin. Code §§24.101-24.107 (TAC).

The application was deemed administratively complete via Order No. 6 on July 1, 2015. The Applicant was ordered to notice affected parties and return proof of notice to the Commission. Additionally, Staff were requested to file an updated procedural schedule based upon the dates of the notice no later than August 28, 2015. The Applicant supplemented its application on June 1, 2015.

On August 21, 2015 the Applicant filed an affidavit of notice, a copy of the published notice and an affidavit verifying publication of notice. According to the affidavits, notice was mailed to neighboring systems, landowners and cities on July 14, 2015, and published in *San Angelo Standard Times* on July 17, 2015, and July 24, 2015. The Applicant did not provide a copy of the actual notice sent, and failed to notify one of the identified entities within the 2-mile radius of the proposed area.

Staff requests that:

- 1) The Applicant provide mailed notice to the **City of San Angelo, CCN 10242**. This entity is included on the Applicants 2-mile utility radius map provided within the application.
- 2) The Applicant be ordered to return a **copy of the actual notice sent** with attached signed affidavit that the notice was given.