

Control Number: 44947



Item Number: 37

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RECEIVED

APPLICATION OF DENTON COUNTY §  
 MUNICIPAL UTILITY DISTRICT NO. §  
 7 TO OBTAIN WATER AND SEWER §  
 CERTIFICATES OF CONVENIENCE §  
 AND NECESSITY IN DENTON COUNTY

PUBLIC UTILITY COMMISSION

2016 OCT 31 PM 2:26

PUBLIC UTILITY COMMISSION  
OF TEXAS  
FILING CLERK

### COMMISSION STAFF'S RECOMMENDATION ON NOTICE

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this Commission Staff's Recommendation on Notice. In support thereof, Staff shows the following:

#### I. BACKGROUND

On July 16, 2015, Denton County Municipal Utility District No. 7 (Denton County MUD 7) filed an application to obtain new water and sewer certificates of convenience and necessity in Denton County, Texas pursuant to Tex. Water Code (TWC) Subchapter G and 16 Tex. Admin. Code (TAC) Subchapter G. Denton County MUD 7 is seeking dual certification with Mustang Special Utility District.<sup>1</sup> In its application, Denton County MUD 7 included an Agreement for Dual Certification whereby Mustang Special Utility District consents to the dual certification.<sup>2</sup>

Order No. 11, issued September 28, 2016 deemed Denton County MUD 7's notice deficient and required Denton County MUD 7 to provide proof of supplemental notice by October 17, 2016. On October 19, 2016, Denton County MUD 7 filed notice affidavits and information. Order No. 11 also required Staff to provide a recommendation on notice within 10 day of Denton County MUD 7's filing. Therefore, this pleading is timely filed.

#### II. RECOMMENDATION ON NOTICE

Staff has reviewed Denton County MUD 7's affidavits of notice and, as supported by the attached memorandum of Jolie Mathis and Tracy Montes of the Water Utilities Division, Staff recommends that the notice is sufficient.

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<sup>1</sup> Application at 4.

<sup>2</sup> *Id.*

### **III. PROPOSED PROCEDURAL SCHEDULE**

Staff proposes the following procedural schedule:

<b>Event</b>	<b>Date</b>
Intervention Deadline	November 17, 2016
Deadline for Staff to provide final maps and certificates to Denton County MUD 7 for review and consent	December 16, 2016
Deadline for Denton County MUD 7 to file signed consent forms with the Commission	January 4, 2017
If no hearing is requested, deadline for Staff to file a final recommendation	January 11, 2017
If no hearing is requested, deadline for parties to file joint proposed findings of fact and conclusions of law	January 20, 2017

### **IV. CONCLUSION**

Staff respectfully requests the entry of an order consistent with the above recommendations.

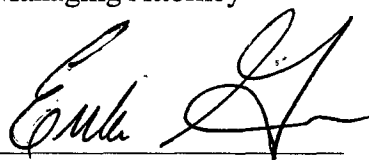
Dated: October 31, 2016

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Margaret Uhlig Pemberton  
Division Director

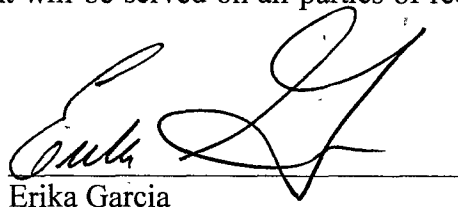
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**DOCKET NO. 44947  
CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record October 31, 2016, in accordance with 16 TAC § 22.74.



Erika Garcia

## PUC Interoffice Memorandum

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**To:** Erika Garcia  
Legal Division

**Thru:** Lisa Fuentes, Water Regulation Manager  
Tammy Benter, Director  
Water Utilities Division

**From:** Janie Kohl, Financial Analyst  
Jolie Mathis, Engineering Specialist  
Tracy Montes, GIS Specialist  
Water Utilities Division

**Date:** October 25, 2016

**Subject:** Docket No. 44947, Application of Denton County Municipal Utility District No. 7 to Obtain Water and Sewer Certificates of Convenience and Necessity in Denton County

On July 16, 2016, Denton County Municipal Utility District No. 7 (Applicant) filed an application to obtain new water and sewer certificates of convenience and necessity (CCNs) in Denton County. This application is being reviewed under Tex. Water Code § 13.241 – § 13.2502 (TWC) and 16 Tex. Admin. Code § 24.101 - § 24.107 (TAC).

On October 18, 2016, Applicant filed a copy of the notice mailed on October 18, 2016, with an attached signed affidavit that notice was mailed. Applicant also provided a list of the five entities located within the 2-mile buffer of the proposed water and sewer service areas that it provided notice to, which correspond to the list that Staff recommended were required to receive individual mailed notice. Therefore, Staff recommends that Applicant's notice is sufficient.