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APPLICATION OF SHERMAN'S MILL §
WATER SUPPLY CORPORATION TO §
OBTAIN A WATER CERTIFICATE OF §
CONVENIENCE AND NECESSITY IN §
KERR COUNTY §

PUBLIC UTILITY COMMISSION 2:24
OF TEXAS
PUBLIC UTILITY COMMISSION
FILING CLERK

**COMMISSION STAFF'S RECOMMENDATION ON SUFFICIENCY OF NOTICE AND
PROPOSED PROCEDURAL SCHEDULE**

Comes now the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this Recommendation on Sufficiency of Notice and Proposed Procedural Schedule in response to Order No. 5. In support thereof, Staff would show the following:

I. Background

On September 19, 2016, Sherman's Mill Water Supply Corporation ("Sherman's Mill" or "Applicant") filed an application to obtain a new water certificate of convenience and necessity (CCN) in Kerr County. The proposed total area being requested includes approximately 48 acres and 15 current customers. On January 24, 2017, the Administrative Law Judge (the "ALJ") issued Order No. 5, which required Staff to file supplemental comments on the sufficiency of notice within 10 days of Sherman's Mill filing proof of completed notice to Gillespie County WCID 1. Order No. 5 further required Staff's comments on a potential property description discrepancy. Sherman's Mill filed its affidavit of notice on February 9, 2017, and its explanation on February 15, 2017. This pleading is therefore timely filed.

II. Staff's Recommendation

As noted in the attached memorandum of Debbie Reyes Tamayo of the Water Utilities Division, Staff has reviewed the affidavit and explanation filed by Sherman's Mill and recommends that notice be deemed sufficient.

III. Proposed Procedural Schedule

Since Staff recommends the notice be deemed sufficient, Staff proposes the following procedural schedule:

Event	Date
Notice completed	February 3, 2017
Deadline for intervention	March 6, 2017 ¹
Deadline for Staff to provide final maps, certificates, and tariffs (if applicable), to Applicant for review and consent	May 5, 2017
Deadline for Applicant to file signed consent forms with the Commission	May 19, 2017
If no hearing is requested, deadline for Staff to file a final recommendation on the Application	May 26, 2017
If no hearing is requested, deadline for parties to file joint proposed findings of fact and conclusions of law	June 2, 2017

¹ Pursuant to 16 TAC § 24.106(a)(3), the intervention deadline is 30 days after the mailing or publication of notice, whichever occurs later. Notice was mailed on February 3, 2017; therefore, 30 days after February 3, 2017 is March 6, 2017.

Dated: February 23, 2017

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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DOCKET NO. 46381

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on February 23, 2017, in accordance with 16 TAC § 22.74.



Michael Crnich

PUC Interoffice Memorandum

To: Mike Crnich, Attorney
Legal Division

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

From: Debbie Reyes Tamayo, Program Specialist
Water Utilities Division

Date: February 22, 2017

Subject: **Docket No. 46381:** *Petition by Sherman's Mill Water Supply Corporation (WSC) to obtain a Certificate of Convenience and Necessity in Kerr County*

On September 19, 2016, Sherman's Mill WSC (Applicant) filed with the Public Utility Commission of Texas (Commission) an application requesting to obtain a water Certificate of Convenience and Necessity (CCN) in Kerr County, Texas. The application is being reviewed under Texas Water Code §13.254(d) (TWC) and Title 16 Tex. Admin. Code §§24.115 and 24.102(a) (1) (TAC). The requested area includes approximately 48 acres and 15 current customers.

Staff reviewed the information provided by the Applicant submitted on February 15, 2017, in response to Order No. 5. Public notice was published on December 15 and 22, 2016, in the West Kerr Current newspaper. Notice to neighboring systems, landowners, cities and affected parties was provided on December 20, 2016, January 5, 2017, and February 3, 2017. The affidavits of notice were received by the Commission on January 9, 2017, and February 9, 2017. The comment period ends on March 6, 2017. Staff has reviewed the notices and affidavits and recommends they be deemed sufficient.

With regard to the additional/conflicting description of the requested area as noted in Order No. 5, the Applicant stated the additional description provided more information as to the location of the requested area than what is required by rule. Staff finds the description of the property provided in the notice by the Applicant sufficient.