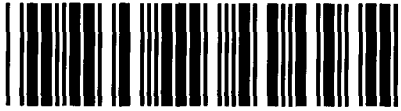




Control Number: 46441



Item Number: 9

Addendum StartPage: 0

APPLICATION OF TERRA  
SOUTHWEST, INC. TO AMEND A  
CERTIFICATE OF CONVENIENCE  
AND NECESSITY IN DENTON  
COUNTY

§  
§  
§  
§  
§

PUBLIC UTILITY COMMISSION

OF TEXAS

RECEIVED

2017 JAN -9 AM 11:32

PUBLIC UTILITY COMMISSION  
FILING CLERK

### STAFF'S RECOMMENDATION ON NOTICE

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest and files this response to Order No. 1 and would show the following:

#### I. Background

On October 14, 2016, Terra Southwest, Inc. (Terra) filed an application to amend its water certificate of convenience (CCN) No. 11608 in Denton County, Texas. On November 16, 2016, the Administrative Law Judge (ALJ) issued Order No. 2 requiring Terra to file affidavits of notice by December 30, 2016 and for Staff to file a recommendation on the sufficiency of notice within 10 days of Terra's filing. Terra filed its affidavits of notice on December 29, 2016. Therefore, the deadline for Staff's recommendation is January 9, 2017, making this recommendation timely.

#### II. Recommendation

Staff has reviewed Terra's application and, as supported by the attached memorandum of Jonathan Ramirez and Kristi Nguyen of the Water Utilities Division, has determined that Terra's notice complies with Tex. Water Code Ann. § 13.242-250 (West 2016) and 16 Tex. Admin. Code § 24.101-107 (TAC).

#### IV. Procedural Schedule

Staff proposes the following procedural schedule:

Event	Date
Notice completed	December 12, 2016

Deadline for intervention	January 11, 2017 <sup>1</sup>
Deadline for Staff to provide final maps, certificates, and tariffs (if applicable), to Applicant for review and consent	March 13, 2017
Deadline for Applicant to file signed consent forms with the Commission	March 27, 2017
If no hearing is requested, deadline for Staff to file a final recommendation on the Application	April 4, 2017
If no hearing is requested, deadline for parties to file joint proposed findings of fact and conclusions of law	April 18, 2017

## V. Conclusion

Staff recommends that Terra's notice be deemed sufficient. Additionally, Staff recommends that Staff's proposed procedural schedule be adopted.

---

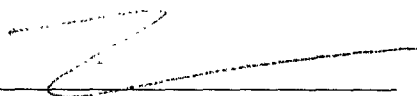
<sup>1</sup> Pursuant to 16 TAC § 24.106(a)(3), the intervention deadline is 30 days after the mailing or publication of notice, whichever occurs later. Notice was mailed on December 9th, and published on the 5th and the 12th. Therefore, 30 days after December 12, 2017 is January 11, 2017.

PUBLIC UTILITY COMMISSION  
LEGAL DIVISION

Respectfully Submitted,

Margaret Uhlig Pemberton  
Division Director

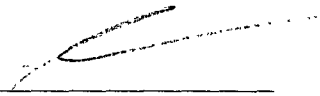
Karen S. Hubbard  
Managing Attorney

  
\_\_\_\_\_  
Landon J. Lill  
State Bar No. 24092700  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326  
(512) 936-7228  
(512) 936-7268 (facsimile)  
Landon.lill@puc.texas.gov

**P.U.C. DOCKET NO. 46441**

**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on January 9, 2016, in accordance with P.U.C. Procedural Rule 22.74.

  
\_\_\_\_\_  
Landon J. Lill