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APPLICATION OF LANNIUS §
MUNICIPAL UTILITY DISTRICT §
A/K/A LANNIUS WATER SUPPLY §
CORPORATION AND BOIS D'ARC §
MUNICIPAL UTILITY DISTRICT §
FOR SALE, TRANSFER, OR §
MERGER OF FACILITIES AND §
CERTIFICATE RIGHTS IN FANNIN §
COUNTY §

PUBLIC UTILITY COMMISSION

OF TEXAS

PUBLIC UTILITY COMMISSION
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 response to Order No. 2 and would show the following:

I. BACKGROUND

On December 7, 2016, Lannius Municipal Utility District a/k/a Lannius Water Supply Corporation (Lannius) and Bois D' Arc Municipal Utility District (Bois D' Arc) (collectively, Applicants) filed an application for sale, transfer, or merger of facilities in Fannin County, Texas. The application proposes the sale of Lannius's water system under water certificate of convenience and necessity (CCN) No. 11163 to Bois D' Arc and the transfer of Lannius's certificated water service area under CCN No. 11163 to Bois D' Arc's water CCN No. 11753.

On January 9, 2017, Order No. 2 was issued, requiring Staff to file a recommendation regarding the sufficiency of notice within ten days of proof of notice documents being filed. The Applicants filed proof of notice documentation on January 25, 2017. Ten days from January 25 is February 4, 2017. This pleading is therefore timely filed.¹

II. PROOF OF NOTICE

Staff has reviewed the Applicants' proof of notice and recommends that it be found sufficient.

¹ February 4, 2017 is a Saturday. Under 16 Tex. Admin. Code § 22.4(a), if a deadline falls on a day the Commission is not open for business, the deadline is automatically extended until the end of the next day the Commission is open for business. Therefore, the deadline for this filing is Monday, February 6, 2017.

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III. PROCEDURAL SCHEDULE

Staff recommends the notice be found sufficient. Staff therefore proposes the following procedural schedule:

Event	Date
Notice completed	January 13, 2017
Deadline for intervention	February 13, 2017 ²
Deadline for Staff to request a hearing or file a recommendation on the approval of the sale and on the CCN amendment	March 15, 2017
Deadline for parties to file a response to Staff's recommendation	March 29, 2017
120 day deadline for the Commission to approve the sale or require a hearing	May 15, 2017 ³

IV. CONCLUSION

For the reasons detailed above, Staff respectfully recommends that the Applicants' proof of notice be found sufficient and that the procedural schedule proposed above be adopted.

² Under 16 TAC § 24.109(c)(3), the intervention deadline is 30 days after the mailing or publication of notice, whichever occurs later. Notice was mailed on January 13, 2017. Therefore, 30 days after January 13 is February 12, which is a Sunday. Therefore, under 16 TAC § 22.4(a), the intervention period concludes on February 13.

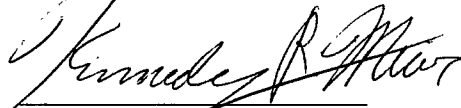
³ Under 16 TAC § 24.109, the deadline for Commission action is 120 days after the later of either when the application is filed, when notice was mailed, or when notice is published. One hundred and twenty days after January 13, 2017 is May 13, 2017, which is a Saturday. Therefore, under 16 TAC § 22.4(a), the deadline for Commission action is May 15.

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF
TEXAS LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Katherine Lengieza Gross
Managing Attorney

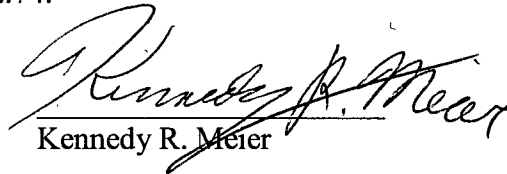


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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on this the 30th of January, 2017 in accordance with 16 TAC § 22.74.



Kennedy R. Meier