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DOCKET NO. 47176

APPLICATION OF LIBERTY UTILITIES (WOODMARK) CORP. TO AMEND A SEWER CERTIFICATE OF CONVENIENCE AND NECESSITY IN SMITH COUNTY (BAKER PLANTATION)	§ § § § §	PUBLIC UTILITY COMMISSION OF TEXAS
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PUBLIC UTILITY COMMISSION
FILING CLERK

COMMISSION STAFF'S SECOND SUPPLEMENTAL RECOMMENDATION ON SUFFICIENCY OF NOTICE

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest and files this Supplemental Recommendation on Sufficiency of Notice. In support thereof, Staff would show the following:

I. BACKGROUND

On May 16, 2017, Liberty Utilities (Woodmark) Corp. ("Liberty") filed an application to amend its sewer certificate of convenience and necessity (CCN) No. 20679 in Smith County, Texas. The total service area requested includes approximately 51 acres and either 0 or 53 current customers.

On December 7, 2017, the Administrative Law Judge (ALJ) issued Order No. 6, requiring Liberty to file proof of notice by January 4, 2018, and directing Staff to file a recommendation on the sufficiency of Liberty's notice by January 11, 2018. This pleading is therefore timely filed.

II. NOTICE REQUIREMENTS

Liberty filed a publisher's affidavit on December 11, 2017, and an affidavit of mailed notice on January 3, 2018. Commission Staff recommends that the notice be deemed insufficient for failing to meet the requirements of 16 Tex. Admin Code § 24.106 (TAC). The publisher's affidavit stated that notice had been published in the Tyler Morning Telegraph on November 30, 2017, and December 7, 2017. The affidavit of mailed notice contains a list of all persons and entities to whom notice was mailed on December 12, 2017. The affidavit of mailed notice does not contain a copy of the maps or notices. Furthermore, the affidavit of mailed notice does not

indicate that notice was not mailed to the Smith County Judge which presides over the Smith County Commissioners' Court. Staff recommends that Liberty mail notice to the Smith County Judge and that it provide proof of notice, including the maps and notice provided, by February 12, 2018.

III. PROCEDURAL SCHEDULE

Staff proposes the following procedural schedule:

Event	Date
Deadline for Applicant to file proof of notice with the Commission	February 12, 2018
Deadline for Staff to file a recommendation on sufficiency of notice	February 20, 2018
Deadline to intervene	30 days after notice is issued

IV. CONCLUSION

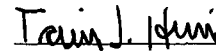
Staff respectfully requests that the ALJ issue an order consistent with the above recommendation.

Filed: January 11, 2018

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director
Legal Division

Stephen Mack
Managing Attorney
Legal Division

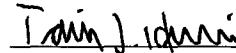


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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on January 11, 2018 in accordance with 16 TAC § 22.74.



TJ Harris