



Control Number: 47587



Item Number: 8

Addendum StartPage: 0

RECEIVED

APPLICATION OF CITY OF §
AUBREY TO AMEND ITS WATER §
AND SEWER CERTIFICATES OF §
CONVENIENCE AND NECESSITY §
AND TO DECERTIFY A PORTION §
OF MUSTANG SPECIAL UTILITY §
DISTRICT SERVICE AREA (AUBREY §
CREEK ESTATES) §

PUBLIC UTILITY COMMISSION

2017 NOV -3 AM 11:03
PUBLIC UTILITY COMMISSION
OF TEXAS FILING CLERK

COMMISSION STAFF’S RECOMMENDATION ON SUFFICIENCY OF NOTICE

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and in response to Order No. 2, files this Recommendation on Sufficiency of Notice. Staff recommends that the notice be deemed sufficient. In support thereof, Staff shows the following:

I. BACKGROUND

On September 6, 2017, the City of Aubrey (Aubrey) filed an application to amend its water Certificate of Convenience and Necessity (CCN) No. 11234 and sewer CCN No. 20491 and to decertify portions of Mustang Special Utility District’s water CCN No. 11856 and sewer CCN No. 20930 in Denton County. On October 9, 2017, the Administrative Law Judge (ALJ) issued Order No. 2, requiring Staff to file a recommendation on sufficiency of notice within ten days of the applicant filing proof of completed notice with the Commission. Aubrey filed proof of completed notice on October 25, 2017. Therefore, this pleading is timely filed.

II. RECOMMENDATION ON SUFFICIENCY OF NOTICE

Notice requirements for CCN applications are governed by Tex. Water Code Ann. § 13.246 and 16 Tex. Admin Code § 24.106 (TAC). On October 25, 2017, Aubrey submitted an affidavit, signed by Stephen C. Dickman and dated October 25, 2017, confirming that notice was provided to affected parties on October 11, 2017. In its proof of completed notice, Aubrey also included copies of those notices along with a map of the proposed service area. Aubrey also submitted an affidavit indicating that notice was given in a newspaper regularly published and generally

circulated in Denton County along with a copy of the notice newspaper. Aubrey published notice on October 11, 2017 and October 18, 2017.

Staff has reviewed Aubrey's proof of completed notice and recommends that notice be found sufficient.

III. PROPOSED PROCEDURAL SCHEDULE

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

Event	Date
Notice completed	October 18, 2017
Deadline for intervention	November 17, 2017
Deadline for Staff to provide final maps, certificates, and tariffs (if applicable) to Applicant to review and consent	December 18, 2017
Deadline for Applicant to file signed consent forms with the Commission	January 2, 2017
If no hearing is requested, deadline for Staff to file a final recommendation non the Application	January 9, 2017
If no hearing is requested, deadline for parties to file joint proposed findings of fact and conclusions of law	January 18, 2017

IV. CONCLUSION

Staff respectfully requests that the ALJ issue an order finding Aubrey's notice sufficient, and adopting Staff's proposed procedural schedule.

Dated: November 3, 2017

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF
TEXAS 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 this the 3rd of November, 2017 in accordance with 16 TAC § 22.74.



Kevin R. Bartz