



Control Number: 47795



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2018 FEB 11 PM 2:21

APPLICATION OF THE CITY OF  
HUTTO TO AMEND A SEWER  
CERTIFICATE OF CONVENIENCE  
AND NECESSITY IN WILLIAMSON  
COUNTY

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PUBLIC UTILITY COMMISSION  
OF TEXAS

**COMMISSION STAFF'S RECOMMENDATION ON SUFFICIENCY OF NOTICE**

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

**I. BACKGROUND**

On November 21, 2017, the City of Hutto (Hutto) filed an application to amend sewer certificate of convenience and necessity (CCN) No. 20122 in Williamson County. On February 7, 2018, Hutto filed updated maps to amend its requested service area. Commission Order No. 3, filed on February 7, 2018, granted Hutto's request to amend the procedural schedule and gave Hutto a deadline to provide proof of notice by April 6, 2018. Hutto timely filed its proof of notice. Commission Order No. 3 also gave Staff a deadline to file a recommendation on the sufficiency of notice within ten days of Hutto filing proof of completed notice. State Office of Administrative Hearings (SOAH) Order No. 2, issued on February 27, 2018, granted Staff and Hutto's joint motion to reset the procedural schedule so that the prehearing conference may occur after the deadline to intervene had passed. SOAH Order No. 2 listed Staff's deadline to comment on the sufficiency of Hutto's notice as April 16, 2018, which is ten days after April 6, 2018. This pleading is timely filed.

**II. SUFFICIENCY OF NOTICE**

Staff has reviewed the proof of notice filed by Hutto and recommends that it be found sufficient. Staff requests the entry of an order finding that Hutto completed notice on March 25, 2018, and establishing April 24, 2018, as the deadline to intervene.<sup>1</sup> Staff recommends that Hutto made a good faith effort to notice the three entities (1) South Fork Ranch MUD, (2) San Gabriel

<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 March 16, 2018, and published on March 18, 2018 and March 25, 2018. Therefore, 30 days after March 25, 2018 (latest date), falls on April 24, 2018.

MUD 1, and (3) Seven Oaks Ranch MUD. Staff confirms there is no record of the contact information for any of the three entities in Texas Commission on Environmental Quality's databases.

### **III. PROCEDURAL SCHEDULE**

Staff recommends that notice be found sufficient. Staff proposes no changes to the procedural schedule established in SOAH Order No. 2, however, Staff believes it would be helpful to the parties for judicial notice to be taken that notice was completed on March 25, 2018, and therefore the deadline to intervene is April 24, 2018.

<b>Event</b>	<b>Date</b>
Notice completed	March 25, 2018
Deadline for intervention	April 24, 2018

### **IV. CONCLUSION**

For the reasons detailed above, Staff recommends that Hutto's notice be deemed sufficient and completed on March 25, 2018, resulting in an intervention deadline of April 24, 2018.

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF  
TEXAS LEGAL DIVISION**

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**DOCKET NO. 47795**  
**SOAH DOCKET NO. 473-18-2486.WS**

**CERTIFICATE OF SERVICE**

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

Rosemary E. Hambright  
Rosemary E. Hambright