



Control Number: 48054



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DOCKET NO. 48054

**APPLICATION OF CANYON FALLS §
MUNICIPAL UTILITY DISTRICT §
NO. 1 OF DENTON COUNTY FOR A §
WATER CERTIFICATE OF §
CONVENIENCE AND NECESSITY IN §
DENTON COUNTY §**

**2018 MAY -4 PM 1:18
PUBLIC UTILITY COMMISSION
OF TEXAS**

**COMMISSION STAFF'S RECOMMENDATION
ON NOTICE DEFICIENCY**

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and in response to Order No. 3, files this Recommendation on Notice Deficiency. In support thereof, Staff shows the following:

I. BACKGROUND

On February 12, 2018, Canyon Falls Municipal Utility District No. 1 (Canyon Falls MUD or Applicant) filed an application to obtain a water Certificate of Convenience and Necessity in Denton County pursuant to Texas Water Code (TWC) §§ 13.242 to 13.250 and 16 Texas Administrative Code (TAC) §§ 24.101 to 24.107.

On March 22, 2018, Order No. 3 was issued, establishing a deadline for Staff to file a recommendation on the sufficiency of Applicant's notice within ten (10) days of Applicant filing proof of completed notice with the Commission. Applicant filed proof of notice on April 6, 2018. Therefore, Staff's filing is delayed. Staff apologizes for the delay to both the Administrative Law Judge and Applicant.

II. NOTICE DEFICIENCY

Staff has reviewed the notice documentation filed by Applicant on April 6, 2018. The Affidavit of Notice to Current Customers, Neighboring Utilities and Affected Parties and accompanying attachment indicates that notice of application was mailed to the entities identified in the attachment on March 26, 2018. In addition, the Publishers Affidavit shows that notice was published in the Denton Record Chronicle on March 29, 2018, and April 5, 2018.

Order No. 3 required Applicant to provide notice of application as described in Staff's Supplemental Recommendation on Administrative Completeness and Proposed Notice filing

submitted on March 19, 2018 (Supplemental Recommendation). Applicant's notice was not provided to all entities listed in Staff's Supplemental Recommendation. Specifically, Applicant did not provide the required notice of application to the following entities: (1) City of Corral City; (2) Town of Argyle; and (3) Upper Trinity Regional Water District.

III. PROCEDURAL SCHEDULE

Staff recommends that Applicant's notice be found deficient. Therefore, Staff recommends that a deadline of June 4, 2018, be established for Canyon Falls MUD to supplement its notice. Additionally, Staff recommends that a deadline of June 18, 2018, be established for Staff to review Canyon Falls MUD's supplemental information and make a supplemental recommendation on the sufficiency of notice.

V. CONCLUSION

For the reasons discussed above, Staff respectfully recommends that notice be found deficient. Staff further recommends that the procedural schedule proposed above be adopted for further processing of this docket.

Dated: May 4, 2018

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 May 4, 2018, in accordance with 16 TAC § 22.74.



Richard Nemer