



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**

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**PUBLIC UTILITY COMMISSION  
OF TEXAS**

2018 MAY -01 PM 2:06  
FILED  
DENTON COUNTY

**COMMISSION STAFF'S SUPPLEMENTAL RECOMMENDATION ON SUFFICIENCY  
OF NOTICE AND PROPOSED PROCEDURAL SCHEDULE**

**COMES NOW** the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and in response to Order No. 4, files this Supplemental Recommendation on Sufficiency of Notice and Proposed Procedural Schedule. 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, requiring 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.

On May 4, 2018, Staff filed a Recommendation on Notice Deficiency based on the Applicant failing to provide the required notice of the application to the City of Corral City, the Town of Argyle, and the Upper Trinity Regional Water District. Additionally, on the same day, Applicant filed a Supplemental Proof of Notice to cure the aforementioned deficiencies.

On May 7, 2018, Order No. 4 was issued, establishing a deadline for Staff to file a supplemental recommendation on the sufficiency of Applicant's notice by May 14, 2018. Therefore, this pleading is timely filed.

## **II. SUFFICIENCY OF NOTICE**

Staff has reviewed the notice documentation filed by Applicant on April 6, 2018 and May 4, 2018. As it relates to the filing 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. The filing on April 6, 2018, did not include the required notice of application to three entities: (1) City of Corral City; (2) Town of Argyle; and (3) Upper Trinity Regional Water District. The filing on April 6, 2018, did include a Publishers Affidavit showing that notice was published in the Denton Record Chronicle on March 29, 2018, and April 5, 2018.

Applicant's supplemental filing on May 4, 2018, indicates that notice of the application was mailed to the Town of Argyle and the Upper Trinity Regional Water District on May 4, 2018. Additionally, the supplemental filing included an explanation regarding City of Corral City, the third entity identified by Staff not to have received the required notice of application. Applicant stated that it sent notice of application to the Town of Draper in lieu of the City of Corral City on March 26, 2018, based on its belief that the City of Corral City had changed its name to the Town of Draper. Applicant attached a newspaper article to substantiate its explanation regarding the town's name change.

Following Applicant's supplemental proof of notice filing, Staff recommends that its notice of application be deemed sufficient.

## **III. PROCEDURAL SCHEDULE**

In accordance with Staff's recommendation that Applicant's notice be found sufficient, Staff proposes the following supplemental procedural schedule:

Event	Date
Notice completed	May 4, 2018
Deadline for intervention	June 4, 2018 <sup>1</sup>
Deadline for Staff to provide final maps, certificates, and tariffs (if applicable) to Applicant for review and consent	August 3, 2018
Deadline for Applicant to file signed consent forms with the Commission	August 17, 2018
If no hearing is requested, deadline for Staff to file a final recommendation on the application	August 24, 2018
If no hearing is requested, deadline for parties to file joint proposed findings of fact and conclusions of law	August 31, 2018

#### IV. CONCLUSION

For the reasons discussed above, Staff respectfully recommends that Applicant's notice be found sufficient and that the procedural schedule proposed above be adopted.

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<sup>1</sup> Pursuant to 16 TAC § 24.106(a)(3), the intervention deadline is thirty (30) days after the mailing or publication of notice, whichever occurs later. Notice was mailed on March 26, 2018 and May 4, 2018. Notice was published on March 29, 2018 and April 5, 2018. Therefore, thirty (30) days after May 4, 2018 is Sunday, June 3, 2018. Since the Commission is closed on June 3, 2018, the period runs until the end of the next day on which the Commission is open for business, Monday, June 4, 2018.

Dated: May 8, 2018

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Margaret Uhlig Pemberton  
Division Director

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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 8, 2018, in accordance with 16 TAC § 22.74.



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Richard Nemer