



Control Number: 48103



Item Number: 8

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APPLICATION OF FALL CREEK
UTILITY COMPANY, INC. AND
LGRVR WATER SUPPLY
CORPORATION FOR SALE,
TRANSFER, OR MERGER OF
FACILITIES AND CERTIFICATE
RIGHTS IN HOOD COUNTY

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PUBLIC UTILITY COMMISSION

OF TEXAS

APR 20 2018 PM 2:25
PUBLIC UTILITY COMMISSION
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. In support thereof, Staff shows the following:

I. BACKGROUND

On February 26, 2018, LGRVR Water Supply Corporation (LGRVR WSC or Purchaser) and Fall Creek Utility Company, Inc. (Fall Creek or Seller) (collectively, Applicants) filed an application for sale, transfer, or merger of facilities and certificate rights in Hood County, Texas. Specifically, LGRVR WSC seeks approval to acquire facilities and to transfer Fall Creek's water and sewer service area under Certificate of Convenience and Necessity (CCN) Nos. 12884 (water) and 20854 (sewer). The requested area includes approximately 22 acres and 71 water and 69 sewer connections.

On April 5, 2018, Order No. 2 was issued, establishing a deadline of 10 days from the filing of proof of notice documentation for Staff to file a recommendation on the sufficiency of the Applicants' notice. Applicants filed proof of notice documentation on April 12, 2018. Ten days from April 12 is April 22, 2018. This pleading is therefore timely filed.

II. NOTICE

Staff has reviewed Applicants' proof of notice and recommends that Applicants' notice be deemed sufficient. Applicants provided an executed affidavit of direct notice, along with a representative copy of the actual notice provided and a list of entities that were noticed. Staff has reviewed this material and recommends that Applicants' notice be deemed sufficient.

III. PROCEDURAL SCHEDULE

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

Event	Date
Notice completed	March 30, 2018
Deadline for intervention	April 30, 2018 ¹
Deadline for Staff to request a hearing or file a recommendation on the approval of the sale and on the CCN amendment	June 1, 2018
Deadline for parties to file a response to Staff's recommendation	June 15, 2018
120 day deadline for the Commission to approve the sale or require a hearing	July 28, 2018 ²

IV. CONCLUSION

For the reasons detailed above, Staff recommends that Applicants' notice be found sufficient. Staff further recommends that the procedural schedule proposed above be adopted for further processing of this docket.

¹ Under 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 30, 2018. Therefore, 30 days after March 30 is April 29, which is a Sunday. As a result, under 16 TAC § 22.4(a), the intervention deadline is Monday, April 30, 2018.

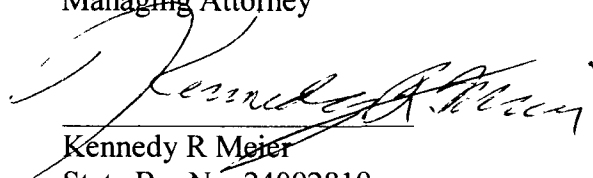
² Under 16 TAC § 24.109, the deadline for Commission action is 120 days after the later of either when the application is filed, when notice was mailed, or when notice is published. One hundred and twenty days after March 30, 2018 is July 28, 2018.

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Katherine Lengieza Gross
Managing Attorney

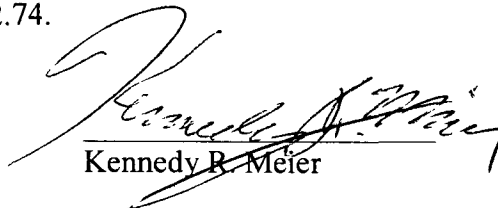


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DOCKET NO. 48103

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on April 20, 2018, in accordance with 16 TAC § 22.74.



Kennedy R. Meier