



Control Number: 48328



Item Number: 9

Addendum StartPage: 0

APPLICATION OF EL PASO WATER UTILITIES PUBLIC SERVICE BOARD TO DECERTIFY A PORTION OF ITS CERTIFICATES OF CONVENIENCE AND NECESSITY IN EL PASO COUNTY	§ § § § §	<div data-bbox="1281 297 1605 344">2018 JUL 26 PM 4:38</div> <div data-bbox="1006 344 1519 463">PUBLIC UTILITY COMMISSION OF TEXAS</div> <div data-bbox="1354 377 1527 420">FILING CLERK</div>
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COMMISSION STAFF'S NOTICE SUFFICIENCY RECOMMENDATION

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

I. BACKGROUND

On May 1, 2018, El Paso Water Utilities Public Service Board (EPWU) filed an application to decertify a portion of both its water certificate of convenience and necessity (CCN) No. 10211 and sewer CCN No. 21008 in El Paso County. EPWU seeks to relinquish approximately 487 acres from its sewer CCN and 342 acres from its water CCN. EPWU is not currently providing water or sewer service within the subject areas.¹

On May 29, 2018, the Commission Administrative Law Judge (ALJ) issued Order No. 2, requiring EPWU to file proof of notice by July 13, 2018. EPWU filed proof of notice on July 2, 2018. Order No. 2 also required Staff to file a recommendation on the sufficiency of EPWU's notice by July 27, 2018. Therefore, this pleading is timely filed.

II. NOTICE SUFFICIENCY RECOMMENDATION

Staff has reviewed EPWU's proof of notice filed on July 2, 2018. This proof of notice included: (1) a notarized affidavit attesting that notice was mailed on June 6, 2018, (2) a copy of the notice and maps issued by mail, (3) a list of the persons and entities to whom notice was mailed, (4) a notarized affidavit attesting that notice was published on June 9 and 16, 2018 in a newspaper of general circulation in El Paso County, and (5) a copy of the published notice.²

¹ Application at 29 (May 1, 2018).

² See El Paso Water Utilities Public Service Board's Proof of Notice (July 2, 2018).

These adequately fulfill the CCN notice requirements of 16 TAC § 24.106. Therefore, Staff recommends that EPWU's notice be found sufficient.

III. PROPOSED ADDITIONAL PROCEDURAL SCHEDULE

In accordance with Staff's notice sufficiency recommendation, Staff proposes the following additional procedural schedule:

Event	Date
Notice completed	June 16, 2018
Deadline for intervention ³	July 16, 2018
Deadline for Staff to provide final maps, certificates, and tariffs (if applicable) to EPWU for review and consent	September 14, 2018
Deadline for EPWU to file signed consent forms	September 28, 2018
If no hearing is requested, deadline for Staff to file a recommendation on final disposition	October 5, 2018
If no hearing is requested, deadline for parties to file joint proposed findings of fact and conclusions of law	October 12, 2018

IV. CONCLUSION

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

Dated: July 26, 2018

³ Pursuant to 16 Tex. Admin. Code § 24.106(a)(3), the intervention period shall be 30 days from the mailing or publication of notice, whichever occurs later, unless otherwise provided by the administrative law judge. The latest date of notice issuance was on June 16, 2018, the date of the second notice publication. Thirty days after June 16, 2018 is July 16, 2018.

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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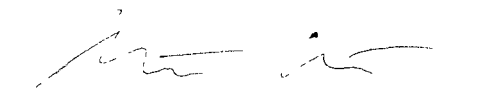


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DOCKET NO. 48328

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record July 26, 2018
in accordance with 16 Tex. Admin. Code § 22.74.



Matthew A. Arth