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PUBLIC UTILITY COMMISSION
FILING CLERK

**APPLICATION OF J&S WATER
COMPANY, LLC AND NERRO
SUPPLY, LLC FOR SALE,
TRANSFER, OR MERGER OF
FACILITIES AND CERTIFICATE
RIGHTS IN HARRIS, CHAMBERS,
AND LIBERTY COUNTIES** §
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**PUBLIC UTILITY COMMISSION
OF TEXAS**

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 files this response to Order No. 2, Staff’s Recommendation on Sufficiency of Notice. In support thereof, Staff shows the following:

I. BACKGROUND

On July 18, 2018, J&S Water Company, LLC (J&S) and Nerro Supply, LLC (Nerro) filed an application for sale, transfer, or merger of facilities and certificate rights in Harris, Chambers, and Liberty Counties. Specifically, the Applicants seek approval to transfer a portion of J&S’s facilities and water and sewer service areas under water Certificate of Convenience and Necessity (CCN) No. 12085 and sewer CCN No. 20658 to Nerro’s water CCN No. 12252 and sewer CCN No. 20366. The requested area includes approximately 154 acres and 553 connections.

On August 22, 2018, the Administrative Law Judge (ALJ) issued Order No. 2, establishing a deadline of September 21, 2018, for applicants to file signed affidavits that notice was given, along with a copy of the notice sent to affected parties and published in a newspaper of general circulation. Order No. 2 also required Staff to file a recommendation on the sufficiency of notice 10 days after the filing by the applicants. On September 26, 2018, Nerro filed a signed affidavit that notice was sent, and on September 27, 2018, Nerro filed a signed affidavit that notice was published in a newspaper of general circulation. Therefore, this pleading is timely filed.

II. NOTICE

Staff has reviewed the applicants’ proof of notice and found it to be sufficient. Therefore, Staff respectfully recommends that notice be found sufficient.

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III. PROPOSED PROCEDURAL SCHEDULE

Staff recommends the notice be found sufficient. Therefore, Staff proposes the following procedural schedule

Event	Date
Notice completed	September 17, 2018
Deadline to intervene	October 17, 2018 ¹
Deadline for Staff to request a hearing or file a recommendation on the approval of the transfer and on the CCN amendment	November 16, 2018
Deadline for parties to file a response to Staff's recommendation	November 30, 2018
120-day deadline for the Commission to approve the transfer or require a hearing	January 15, 2019 ²

IV. CONCLUSION

For the reasons discussed above, Staff respectfully requests that the amended proposed procedural schedule be adopted.

¹ Pursuant to 16 TAC § 24.109(b), the intervention period shall not be less than 30 days unless good cause is shown. Notice was mailed on September 5, 2018, and published on September 10, 2018, and September 17, 2018. Therefore, 30 days after September 17, 2018, (latest date) is October 17, 2018.

² Pursuant to 16 TAC § 24.109 (a) and (j), the deadline for Commission action is 120 days after the mailing or publication of notice, whichever occurs later. One hundred twenty days after September 17, 2018, is January 15, 2019.

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



Skyler Springsteen Collins