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**DOCKET NO. 48565**

**APPLICATION OF AQUA TEXAS §  
INC. AND TOWN OF BUFFALO GAP §  
FOR SALE, TRANSFER, OR §  
MERGER OF FACILITIES AND §  
CERTIFICATE RIGHTS IN TAYLOR §  
COUNTY (GAP WATER SYSTEM) §**

**PUBLIC UTILITY COMMISSION  
OF TEXAS**

2018 OCT 8 AM 9:50

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

**I. BACKGROUND**

On August 2, 2018, Aqua Texas Inc. (Aqua) and the Town of Buffalo Gap (Buffalo Gap) filed an application for sale, transfer, or merger of facilities and certificate rights in Taylor County. Specifically, Aqua wishes to sell a portion of its water CCN No 13201 and transfer its Gap Water System facilities to Buffalo Gap. Buffalo Gap will obtain a new CCN. The requested area includes approximately 1,782 acres and 269 connections.

On September 5, 2018, the Administrative Law Judge (ALJ) issued Order No. 2, establishing a deadline of October 4, 2018, for applicants to file signed affidavits that notice was given, along with a copy of the notice sent to affected parties. Order No. 2 also required Staff to file a recommendation on the sufficiency of notice 10 days after the filing by the applicants. Aqua filed signed affidavits, along with copies of the notice, on September 26, 2018. 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.

### **III. PROPOSED PROCEDURAL SCHEDULE**

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

<b>Event</b>	<b>Date</b>
Notice completed	September 18, 2018
Deadline to intervene	October 18, 2018 <sup>1</sup>
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 16, 2019 <sup>2</sup>

### **IV. CONCLUSION**

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

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<sup>1</sup> 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 13, 2018, and published on September 11, 2018, and September 18, 2018. Therefore, 30 days after September 18, 2018, (latest date) is October 18, 2018.

<sup>2</sup> 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 18, 2018, is January 16, 2019.

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

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**DOCKET NO. 48405**

**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