



Control Number: 48569



Item Number: 15

Addendum StartPage: 0

DOCKET NO. 48569

2018 OCT 15 AM 9:58
PUBLIC UTILITY COMMISSION
OF TEXAS
FILING CLERK

**APPLICATION OF DENTON §
COUNTY FRESH WATER SUPPLY §
DISTRICT NO. 10 FOR PARTIAL §
DECERTIFICATION OF ITS CCN §
SERVICE AREA AND APPROVAL §
OF A SERVICE AREA CONTRACT §
WITH MUSTANG SPECIAL §
UTILITY DISTRICT UNDER TEXAS §
WATER CODE § 13.248 IN DENTON §
COUNTY §**

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 Recommendation on Sufficiency of Notice in response to Order No. 2 and would show the following:

I. BACKGROUND

On August 3, 2018, Denton County Fresh Water Supply District No. 10 (the District) filed a petition for approval of an agreement with Mustang Special Utility District (Mustang SUD) under Texas Water Code (TWC) § 13.248 and 16 Texas Administrative Code (TAC) § 24.117. As part of that agreement, a portion of certificated service area that is currently dually certificated to the District and Mustang SUD would be decertified from the District’s water and sewer certificates of convenience and necessity (CCN) Nos. 13021 and 20923.

On September 10, 2018, Order No. 2 was issued, deeming the application sufficient and establishing a deadline of ten days from the filing of proof of notice documentation for Staff to file a recommendation on the sufficiency of notice. Proof of notice documentation was filed on October 3, 2018. Ten days from October 3 is October 13, 2018, which is a Saturday. Under 16 TAC § 22.4(a), this pleading is therefore timely filed.

II. NOTICE

Staff has reviewed the documentation filed and recommends that the notice be found sufficient. Notice requirements for TWC § 13.248 applications are defined in 16 TAC § 24.117(c), which provides that the notice requirements of 16 TAC § 24.106 do not apply to TWC § 13.248

15

applications. Affected customers will be transferred as part of the agreement between the District and Mustang SUD. Therefore, under 16 TAC § 24.117(c)(1), individual notice must be provided to the affected customers by mail, email, or hand delivery. The notice must contain the current rates, the effective dates those rates were instituted, and any other information required by the Commission. The affidavit filed with the proof of notice attests that notice was mailed to affected customers, and includes a representative copy of the notice provided. Staff has verified that the notice provided included the current rates, the effective date those rates were instituted, and the information that Orders No. 2 and 3 directed the applicants to include. Staff therefore recommends that the notice be found sufficient.

III. PROCEDURAL SCHEDULE

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

Event	Date
Notice completed	October 2, 2018
Deadline for intervention	November 1, 2018 ¹
Deadline for Staff to provide final maps, certificates, and tariffs (if applicable), to Applicant for review and consent	December 3, 2018
Deadline for Applicant to file signed consent forms with the Commission	December 17, 2018
If no hearing is requested, deadline for Staff to file a final recommendation on the Application	January 11, 2019
If no hearing is requested, deadline for parties to file joint proposed findings of fact and conclusions of law	January 18, 2019

IV. CONCLUSION

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

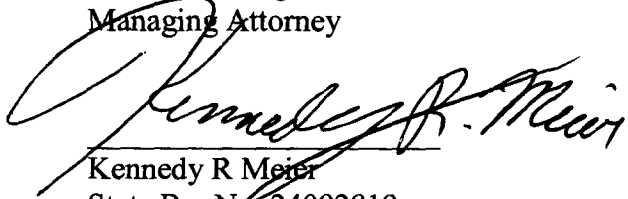
¹ An intervention deadline is not defined in 16 TAC § 24.117. Staff therefore recommends that a deadline of 30 days after the mailing of notice be established. This is consistent with the intervention deadline established in 16 TAC § 24.106(a)(3) for other types of water and sewer CCN cases. Notice was mailed on October 2, 2018. Therefore, 30 days after October 2 is November 1, 2018.

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF
TEXAS LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Katherine Lengieza Gross
Managing Attorney

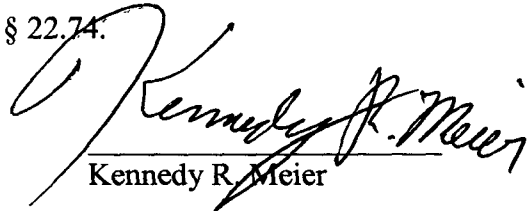


Kennedy R Meier
State Bar No. 24092819
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7265
(512) 936-7268 (facsimile)
kennedy.meier@puc.texas.gov

DOCKET NO. 48569

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on this the 15th of October, 2018 in accordance with 16 TAC § 22.74.



Kennedy R. Meier