



Control Number: 48660



Item Number: 12

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APPLICATION OF THE CITY OF §  
LUCAS TO AMEND A WATER §  
CERTIFICATE OF CONVENIENCE §  
AND NECESSITY IN COLLIN §  
COUNTY §

2019 JAN 22 PM 3:58  
PUBLIC UTILITY COMMISSION  
FILING CLERK  
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 in response to Order No. 3, files this Recommendation on Sufficiency of Notice. In support thereof, Staff shows the following:

**I. BACKGROUND**

On September 4, 2018, the City of Lucas (Lucas) filed an application to amend water certificate of convenience and necessity (CCN) No. 10193 in Collin County. The City of Lucas is amending its CCN so that it reflects the actual service territory that Lucas currently serves. The requested area includes adding approximately 3,626 acres, 2,693 current customers and no new customers.

On November 14, 2018, the Administrative Law Judge (ALJ) issued Order No. 3 establishing a deadline of January 4, 2019 for Lucas 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. Lucas filed such documentation on January 14, 2019. Order No. 3 also required Staff to file a recommendation on the sufficiency of notice 10 days after the filing of Lucas's proof of notice. Therefore, this pleading is timely filed.

**II. SUFFICIENCY OF NOTICE**

Staff has reviewed Lucas's signed affidavits attesting that notice was given, and the notice that was published in a newspaper of general circulation. Pursuant to this review, Staff recommends that the notice be found deficient and incomplete. Lucas did not include the affidavit of notice to current customers, neighboring utilities and affected parties. It also does not appear that Lucas provided notice to the county judge or neighboring utilities as recommended in Staff's Supplemental Recommendation on Administrative Completeness, Notice and Proposed

Procedural Schedule and required in Order No. 3. Lucas also did not provide a copy of the notice and map sent to the affected parties. Also, Lucas does not describe who the parties are that the attached return receipts are from. For the foregoing reasons, Staff requests that the notice be found deficient and incomplete.

### **III. PROCEDURAL SCHEDULE**

Staff proposes the following procedural schedule:

<b>Event</b>	<b>Date</b>
Deadline for Lucas to file with the Commission signed affidavits that the notice was given along with a copy of the notice sent to the affected parties and published in a newspaper of general circulation	February 22, 2019
Deadline for Staff to file a recommendation on sufficiency of notice	Within 10 days of Lucas filing proof of completed notice with the Commission
Deadline to intervene	30 days after notice is issued

### **IV. CONCLUSION**

Staff respectfully requests the entry of an order consistent with the above recommendation.

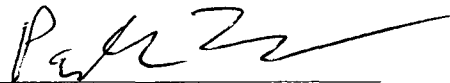
Dated: January 22, 2019

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Margaret Uhlig Pemberton  
Division Director

Karen S. Hubbard  
Managing Attorney

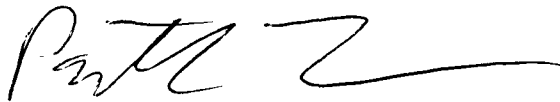


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**DOCKET NO. 48660**

**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on January 22, 2019 in accordance with 16 TAC § 22.74.



Patrick D. Todd