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DOCKET NO. 48660

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

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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 in response to Order No. 4, 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 January 25, 2019, the Administrative Law Judge (ALJ) issued Order No. 4 establishing a deadline of February 22, 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. Order No. 4 also required Staff to file a recommendation on sufficiency of notice 10 days after the filing Lucas's proof of notice. Lucas's signed affidavits and copies of notice were filed on March 6, 2019. This set a deadline of March 18, 2019,¹ for Staff to file their recommendation on sufficiency of notice. Therefore, this pleading is timely filed.

II. SUFFICIENCY OF NOTICE

Staff has reviewed Lucas's signed affidavits attesting that notice was given, the copy of the notice that was sent to the parties described in Staff's recommendation on administrative completeness, and the notice that was published in a newspaper of general circulation for two consecutive weeks. Pursuant to this review, Staff recommends that the notice be found sufficient.

¹ Ten days from March 6, 2019, is March 16, 2019. However, since the Commission is not open for business on Saturday, the intervention deadline is March 18, 2019, under 16 TAC § 22.4(a).

III. PROCEDURAL SCHEDULE

Staff proposes the following procedural schedule:

Event	Date
Notice Completed	December 27, 2018
Deadline for Intervention	January 26, 2019 ²
Deadline for Staff to provide final maps, certificates, and tariffs (if applicable), to Applicant for review and consent if no outstanding issues exist	March 27, 2019
Deadline for Applicant to file signed consent forms with the Commission	April 10, 2019
If no hearing is requested, deadline for Staff to file a final recommendation on the Application	April 17, 2019
If no hearing is requested, deadline for parties to file joint proposed findings of fact and conclusions of law	April 24, 2019

IV. CONCLUSION

For the reasons discussed above, Staff respectfully requests that the Applicants' proof of notice be found sufficient and that the proposed amended procedural schedule be adopted.

² Pursuant to 16 TAC § 24.235(a)(3), the intervention deadline is 30 days after the mailing or publication of notice, whichever occurs later. Notice was mailed on December 20, 2018 and published on December 20, 2018 and December 27, 2018. Therefore, 30 days after December 27, 2018 is January 26, 2019.


Dated: March 14, 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 March 14, 2019 in accordance with 16 TAC § 22.74.



Patrick D. Todd