



Control Number: 48746



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DOCKET NO. 48746

**APPLICATION OF THE CITY OF
MARSHALL TO AMEND ITS WATER
CERTIFICATE OF CONVENIENCE
AND NECESSITY IN HARRISON
COUNTY**

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PUBLIC UTILITY COMMISSION 24
OF TEXAS

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FILED
CLERK

**COMMISSION STAFF'S RECOMMENDATION ON NOTICE AND
PROPOSED PROCEDURAL SCHEDULE**

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this response to Order No. 3, Staff's Recommendation on Sufficiency of Notice. Staff recommends that the notice be deemed sufficient. In support thereof, Staff shows the following:

I. BACKGROUND

On October 9, 2018, the City of Marshall (Applicant) filed an application to amend water certificate of convenience and necessity (CCN) number 11064 in Harrison County. Applicant proposes to amend its CCN to include its current customer base and extend its services outside its city limits. The requested service area consists of approximately 15,127 acres and 1,124 current customers.

On November 14, 2018, the Administrative Law Judge (ALJ) issued Order No. 2, establishing a deadline of January 4, 2019 for Applicant 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. Applicant filed proof of notice on December 21, 2018.

On January 14, 2019, the ALJ issued Order No. 3, finding Applicant's notice deficient and revising the procedural schedule. Order No. 3 also required Staff to file a recommendation on the sufficiency of notice 10 days after the filing by Applicant. Applicant supplemented its proof of notice on February 6, 2019. 10 days after February 6, 2019 is February 16, 2019, which falls on a Saturday. The following Monday is a holiday on which the Commission is not open for business. Under 16 Texas Administrative Code (TAC) § 22.4, the deadline for Staff's recommendation on the sufficiency of notice is the next day on which the Commission is open for business, February 19, 2019. Therefore, this pleading is timely filed.

II. SUFFICIENCY OF NOTICE

Notice requirements for CCN applications are governed by Tex. Water Code § 13.246 (TWC) and 16 TAC § 24.235. Staff has reviewed the notice documentation filed by Applicant on December 21, 2018 and February 6, 2019. Taken together, the proof of notice documentation filed by the Applicant meets the requirements of TWC § 13.246 and 16 TAC § 24.235. Staff therefore recommends that the notice be deemed sufficient.

III. PROCEDURAL SCHEDULE

In accordance with Staff's recommendation that Applicant's notice be found sufficient, Staff proposes the following supplemental procedural schedule:

Event	Date
Notice completed	December 4, 2018
Deadline for intervention	January 3, 2019 ¹
Deadline for Staff to provide final maps, certificates, and tariffs (if applicable), to Applicant for review and consent	March 21, 2019
Deadline for Applicant to file signed consent forms with the Commission	April 4, 2019
If no hearing is requested, deadline for Staff to file a final recommendation on the Application	April 11, 2019
If no hearing is requested, deadline for parties to file joint proposed findings of fact and conclusions of law	April 18, 2019

IV. CONCLUSION

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

¹ 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 November 19, 2018, and published on November 27, 2018 and December 4, 2018. Therefore, 30 days after December 4, 2018 is January 3, 2019.

Dated: February 19, 2019

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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Division Director

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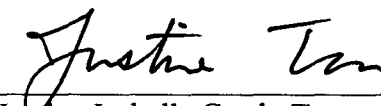


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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on February 19, 2019, in accordance with 16 TAC § 22.74.



Justine Isabelle Caedo Tan