



Control Number: 48791



Item Number: 23

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APPLICATION OF PENDLETON
HARBOR WATER SUPPLY
CORPORATION AND G-M WATER
SUPPLY CORPORATION FOR
SALE, TRANSFER, OR MERGER OF
FACILITIES AND CERTIFICATE
RIGHTS IN SABINE COUNTY

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2019 MAY 24 PM 1:05
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. 5, files this recommendation on Sufficiency of Notice. Staff recommends that the notice be deemed deficient. In support thereof, Staff shows the following:

I. BACKGROUND

On October 17, 2018, Pendleton Harbor Water Supply Corporation (Pendleton) and the G-M Water Supply Corporation (G-M) (collectively, Applicants), filed an application for sale, transfer, or merger of facilities and certificate rights in Sabine County, Texas. Specifically, Pendleton seeks to transfer its facilities and water service area under Certificate of Convenience and Necessity (CCN) No. 10737, to G-M. The requested transfer includes approximately 1,024 acres¹ and 234 current customers. Applicants filed supplemental information on March 6, 2019, and April 9, 2019.

On April 16, 2019, the Administrative Law Judge (ALJ) issued Order No. 5, requiring applicants to file with the commission signed affidavits that the notice was given along with a copy of the notice sent to the affected parties by May 15, 2019. The Order further required Staff to file a recommendation on the sufficiency of notice 10 days after the filing by Applicants. On May 14, 2019, Applicants filed the Publisher's Affidavit of Notice, making Staff's deadline May 24, 2019. Therefore, this pleading is timely filed.

¹ Applicants amended their acreage totals in Letter in Reference to Docket at 1 (April 9, 2019).

II. SUFFICIENCY OF NOTICE

Staff has reviewed the proof of notice provided by applicants. The map sent to current customers, landowners, neighboring utilities and affected parties contains a bounded service area that does not match the bounded service area that is being transferred in this application. Therefore, Staff recommends that notice be deemed insufficient.

Staff further recommends the Applicant be ordered to re-send notice to current customers, landowners, neighboring utilities and affected parties identified in Staff's Supplemental Recommendation² using the attached map and then file in the docket an affidavit specifying every person and entity to whom notice was provided and the date that the notice was provided within 30 days of the date of the notice.

III. PROCEDURAL SCHEDULE

Staff therefore proposes the following amended procedural schedule:

Event	Date
Deadline for Applicants to file with the Commission signed affidavits that the notice was given along with a copy of the notice sent to the affected parties	June 24, 2019
Deadline for Staff to file a recommendation on sufficiency of notice	Within 10 days of applicants filing proof of completed notice with the Commission
Deadline to intervene	30 days after notice is issued

IV. CONCLUSION

For the reasons detailed above, Staff recommends that the notice be found insufficient, that applicants be directed to provide notice using the attached map, and the amended procedural schedule above be adopted.

² Commission Staff's Supplemental Recommendation on Administrative Completeness & Proposed Procedural Schedule at 4 (Apr. 12, 2019).

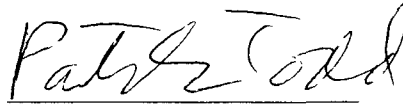
Date: May 24, 2019

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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DOCKET NO. 48791

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on the May 24, 2019, in accordance with 16 TAC § 22.74.



Patrick D. Todd

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