

Control Number: 49103



Item Number: 9

Addendum StartPage: 0

**DOCKET NO. 49103**

<b>APPLICATION OF SWWC UTILITIES, INC. DBA SOUTHWEST UTILITY COMPANY AND MONARCH UTILITIES I L.P. FOR SALE, TRANSFER, OR MERGER OF FACILITIES AND CERTIFICATE RIGHTS IN HARRIS COUNTY</b>	<b>§ § § § § §</b>	<b>PUBLIC UTILITY COMMISSION OF TEXAS</b>
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**COMMISSION STAFF’S RECOMMENDATION ON SUFFICIENCY OF NOTICE**

**COMES NOW** the Commission Staff of the Public Utility Commission of Texas (Commission), representing the public interest, and in response to Order No. 2, files this Recommendation on Sufficiency of Notice. Staff recommends that notice be found insufficient. In support thereof, Staff shows the following:

**I. BACKGROUND**

On January 15, 2019, Monarch Utilities I, L.P. and SWWC Utilities, Inc. d/b/a Southwest Utility Company (collectively, applicants) filed an application for Sale, Transfer, or Merger of Facilities and Certificate Rights in Harris County, Texas. The applicants supplemented the application on January 22, 2019.

On February 14, Order No. 2 was issued, finding the application administratively complete and directing the applicants to provide notice of the application and proof of notice in the manner and form described in the memorandum of Leila Guerrero of the Water Utility Division, dated February 13, 2019 and filed as an attachment to Commission Staff’s Recommendation on Administrative Completeness and Proposed Procedural Schedule. Order No. 3 also required Commission Staff to file a recommendation on sufficiency of notice within 10 days of Applicants filing proof of completed notice. Applicants filed proof of notice on February 26, 2019. Staff apologizes for the late filing.

## II. SUFFICIENCY OF NOTICE

Staff recommends that the Commission find the notice provided by applicants insufficient because, as outlined in Ms. Guerrero's memorandum, applicants were asked to "[f]ile in the docket an affidavit specifying every person and entity to whom notice was provided and the date that the notice was provided." Although the affidavit filed by applicants lists "44 customers," it does not specify those persons, but only lists the neighboring systems and cities. Applicants must provide the list of 44 customers to whom they sent notice.

## III. CONCLUSION

For the reasons discussed above, Staff respectfully recommends that the applicants' notice be deemed insufficient.

Dated: March 18, 2019

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Margaret Uhlig Pemberton  
Division Director

Karen S. Hubbard  
Managing Attorney



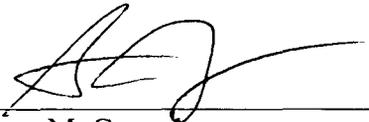
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**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on March 18, 2019, in accordance with 16 TAC § 22.74.

  
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Steven M. Gonzalez