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DOCKET NO. 49262

**APPLICATION OF THE CITY OF
FLORESVILLE TO AMEND A SEWER
CERTIFICATE OF CONVENIENCE
AND NECESSITY IN WILSON
COUNTY**

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**PUBLIC UTILITY COMMISSION
OF TEXAS**

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COMMISSION STAFF'S RECOMMENDATION ON NOTICE DEFICIENCY

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this Staff's Notice Sufficiency Recommendation. In support thereof, Staff shows the following:

I. BACKGROUND

On February 26, 2019, the City of Floresville (Floresville) filed an application to amend its sewer Certificate of Convenience and Necessity No. 20279, in Wilson County, Texas. The requested area includes approximately 4,201 acres and 171 connections.

On May 31, 2019, the Commission Administrative Law Judge (ALJ) issued Order No. 3, requiring Staff to file a recommendation on sufficiency of notice within 10 days of Floresville filing proof of completed notice. Floresville filed proof of notice on August 26, 2019. This pleading is, therefore, timely filed.

II. NOTICE DEFICIENCY

Staff has reviewed Floresville's Publisher's Affidavit filed on August 26, 2019. The filing included a notarized affidavit attesting that notice was published on July 24 and 31 and August 7 and 14, 2019 in a newspaper of general circulation in Wilson County. Though the affidavit references that a copy of the notice is attached, no attachment was filed with the affidavit. This filing does not fulfill the CCN notice requirements of 16 TAC § 24.235. Specifically, Floresville has not filed the Affidavit of Notice to Current Customers, Landowners, Neighboring Utilities and Affected Parties, a copy of the notice as published by the newspaper, or an accurate map

delineating the requested service area as recommended by Staff in its Supplemental Recommendation on May 29, 2019.

III. PROCEDURAL SCHEDULE

Staff recommends that Floresville's notice be found deficient. Therefore, Staff recommends that a deadline of October 7, 2019 be established for Floresville to supplement its notice. Additionally, Staff recommends that a deadline of November 5, 2019 be established for Staff to review Floresville's supplemental information and make a supplemental recommendation on the sufficiency of notice.

IV. CONCLUSION

For the reasons detailed above, Staff respectfully recommends that notice be found deficient and that the procedural schedule proposed above be adopted for further processing of this docket.

Dated: September 5, 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 September 5, 2019, in accordance with 16 TAC § 22.74.


Sarah D. McDaniel