

Control Number: 49262



Item Number: 30

Addendum StartPage: 0

DOCKET NO. 49262

RECEIVED  
2020 FEB 25 PM 1:09  
PUBLIC UTILITY COMMISSION  
FILING CLERK

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

PUBLIC UTILITY COMMISSION

OF TEXAS

**COMMISSION STAFF'S SUPPLEMENTAL RECOMMENDATION ON NOTICE SUFFICIENCY**

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this Staff's Supplemental Recommendation on Notice Sufficiency. 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 (CCN) 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, finding the application administratively complete and requiring notice. The ALJ found Floresville's notice deficient in Order No. 5, issued on September 6, 2019, and again in Order No. 8, issued on December 4, 2019. Order No. 8 directed Floresville to cure the deficiencies on or before January 6, 2020. On January 8, 2020, Floresville requested an extension of time.

On February 21, 2020, the ALJ issued Order No. 10, granting an extension request and requiring Floresville to cure the deficiencies addressed in Staff's recommendation on or before February 10, 2020, and requiring Staff to file its supplemental recommendation on notice sufficiency on or before February 25, 2020. Therefore, this pleading is timely filed.

**II. NOTICE DEFICIENCY**

Staff recommends that the ALJ find Floresville's notice deficient. After a review of two different revised filings regarding notice, one filed on December 11, 2019, and the other filed on February 14, 2020, Staff determined that Floresville's public notice is sufficient, but that notice to current customers, landowners, neighboring utilities and affected parties is deficient.

Staff has reviewed Floresville's fourth revised public notice, filed on December 11, 2019, and recommends that it be found sufficient. Specifically, Floresville used the correct affidavit, the *Publisher's Affidavit*, and attached the correct notice, *Notice for Publication*, to the affidavit. Both the affidavit and the attached notice now reference this docket rather than Docket 49263.

Staff has also reviewed Floresville's fourth revised notice to current customers, landowners, neighboring utilities and affected parties, filed on February 14, 2020, and recommends that it be found deficient. Specifically, Floresville attached an *Affidavit of Notice to Current Customers, Landowners, Neighboring Utilities and Affected Parties* and copies of that notice for the wrong docket, Docket No. 49263, which concerns Floresville's related water CCN amendment application. Therefore, Staff has still not received revised notice for the sewer CCN amendment application for this docket, Docket No. 49262. Staff notes that Floresville also filed a *Publisher's Affidavit* for Docket No. 49263 to this docket, which will be disregarded, as public notice for this docket was sufficient in Floresville's December 11, 2019 filing.

### **III. PROCEDURAL SCHEDULE**

Staff recommends that Floresville's notice to current customers, landowners, neighboring utilities and affected parties be found deficient. Therefore, Staff recommends that a deadline of March 17, 2020 be established for Floresville to supplement that notice. Additionally, Staff recommends that a deadline of April 7, 2020 be established for Staff to review Floresville's revised notice and make a supplemental sufficiency recommendation.

### **IV. CONCLUSION**

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

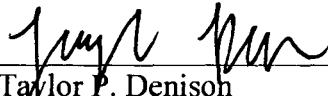
Dated: February 25, 2020

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Thomas S. Hunter  
Division Director


Heath D. Armstrong  
Managing Attorney

  
\_\_\_\_\_  
Taylor P. Denison  
State Bar No. 24116344  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326  
(512) 936-7203  
(512) 936-7268 (facsimile)  
taylor.denison@puc.texas.gov

**DOCKET NO. 49262**

**\* CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on February 25, 2020, in accordance with 16 TAC § 22.74.

  
\_\_\_\_\_  
Taylor P. Denison