



Control Number: 49263



Item Number: 30

Addendum StartPage: 0

DOCKET NO. 49263

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

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**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 water Certificate of Convenience and Necessity (CCN) No. 10688, 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 9, 2019, and again in Order No. 9, issued on December 4, 2019. Order No. 9 directed Floresville to cure the deficiencies on or before January 6, 2020. On January 8, 2020, Floresville requested an extension of time.

On January 9, 2020, the ALJ issued Order No. 10, granting Floresville’s extension request and requiring Floresville to cure the deficiencies addressed in Staff’s recommendation on or before January 29, 2020, and requiring Staff to file its supplemental recommendation on notice sufficiency on or before February 27, 2020. Therefore, this pleading is timely filed.

II. NOTICE DEFICIENCY

Staff recommends that the ALJ find Floresville’s notice deficient. After a review of the revised filing regarding public notice, filed on December 11, 2019, Staff determined that Floresville’s public notice is sufficient, but that notice to current customers, landowners,

neighboring utilities and affected parties remain deficient, as Floresville has not yet filed that revised notice in this docket, Docket No. 49263.

Staff has reviewed Floresville's third 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.

Staff recommends Floresville's revised notice to current customers, landowners, neighboring utilities and affected parties remain deficient because the affidavit of notice and attached notices were not filed in this docket— Docket No. 49263—but rather were filed in Docket No. 42962.

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 27, 2020

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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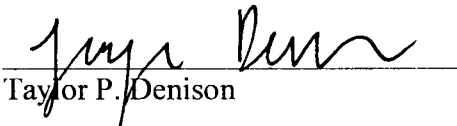


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DOCKET NO. 49263

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on February 27, 2020, in accordance with 16 TAC § 22.74.



Taylor P. Denison