



Control Number: 49566



Item Number: 24

Addendum StartPage: 0



**DOCKET NO. 49566**

**APPLICATION OF THE CITY OF  
ELMENDORF FOR A SEWER  
CERTIFICATE OF CONVENIENCE  
AND NECESSITY IN BEXAR AND  
WILSON COUNTIES**

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**PUBLIC UTILITY COMMISSION  
OF TEXAS**

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

**COMES NOW** the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and in response to Order No. 8, files this recommendation on sufficiency of notice. In support thereof, Staff shows the following:

**I. BACKGROUND**

On May 23, 2019, the City of Elmendorf (Elmendorf) filed an application for a sewer certificate of convenience and necessity in Bexar and Wilson Counties. The requested service area consists of 4,192 acres and 82 current connections. Elmendorf filed supplemental information on July 25, 2019, January 23, 2020, March 25, 2020, and May 20, 2020.

On July 8, 2020, the Administrative Law Judge (ALJ) issued Order No. 8, finding the application as supplemented, administratively complete. Order No. 8 also directed Staff to file a recommendation on sufficiency of notice by September 1, 2020. Therefore, this pleading is timely filed.

**II. NOTICE**

Staff has reviewed Elmendorf's proof of notice and recommends that it be found sufficient. Elmendorf filed proof of completed notice on August 13, 2020 and August 27, 2020. Elmendorf's filings included signed affidavits attesting that a copy of the notice provided by Staff, along with a map, was sent to the neighboring utilities and other affected parties described in Staff's recommendation on administrative completeness, and that notice that was published in a newspaper of general circulation in Bexar and Wilson Counties for two consecutive weeks. Therefore, Elmendorf has substantially met the notice requirements of 16 Texas Administrative Code § 24.235(b). Pursuant to this review, Staff recommends that the notice be found sufficient.

### **III. PROPOSED PROCEDURAL SCHEDULE**

Staff proposes the following procedural schedule:

<b>Event</b>	<b>Date</b>
Notice completed	July 22, 2020
Deadline for intervention	August 21, 2020 <sup>1</sup>
Deadline for Staff to provide final maps, certificates, and tariffs (if applicable), to Applicant for review and consent	September 28, 2020
Deadline for Applicant to file signed consent forms with the Commission	October 12, 2020
If no hearing is requested, deadline for Staff to file a final recommendation on the Application	October 19, 2020
If no hearing is requested, deadline for parties to file joint proposed findings of fact and conclusions of law	October 26, 2020

### **IV. CONCLUSION**

For the reasons detailed above, Staff respectfully recommends that Elmendorf's notice be found sufficient and that the proposed procedural schedule be adopted.

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<sup>1</sup> Pursuant to 16 TAC § 24.235(a)(3), the intervention deadline is 30 days after the mailing or publication of notice, whichever occurs later. Notice was mailed on July 14, 2020 and published on July 15, 2020 and July 22, 2020. Therefore, 30 days after July 22, 2020 is August 21, 2020.

Dated: September 1, 2020

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

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**CERTIFICATE OF SERVICE**

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on September 1, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

s/ Kourtnee Jinks  
Kourtnee Jinks