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DOCKET NO. 49691

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PUBLIC UTILITY COMMISSION
FILING CLERK

APPLICATION OF PERRY WATER	§	
SUPPLY CORPORATION AND TRI-	§	
COUNTY SPECIAL UTILITY	§	PUBLIC UTILITY COMMISSION
DISTRICT FOR SALE, TRANSFER,	§	
OR MERGER OF FACILITIES AND	§	
CERTIFICATE RIGHTS IN FALLS,	§	OF TEXAS
MCLENNAN, ROBERTSON AND	§	
LIMESTONE COUNTIES	§	

COMMISSION STAFF'S RECOMMENDATION ON SUFFICIENCY OF NOTICE

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this Recommendation on Sufficiency of Notice and would show the following:

I. BACKGROUND

On July 1, 2019, Perry Water Supply Corporation (Perry WSC) and Tri-County Special Utility District (Tri-County SUD) (collectively, Applicants) filed an application for sale, transfer, or merger (STM) of facilities and certificate rights in Falls County, Texas. Specifically, Perry WSC seeks to transfer its water service area and facilities under Certificate of Convenience and Necessity No. 11129 to Tri-County SUD. The service area to be transferred includes 606 acres and 136 current customers.

Order No. 3, issued September 27, 2019, required Staff to file a recommendation on the sufficiency of notice within 10 days of Applicants filing proof of completed notice. Tri-County SUD filed its proof of notice on October 11, 2019. Therefore, this pleading is timely filed.

II. RECOMMENDATION ON NOTICE

Staff has reviewed the proof of notice filed by Tri-County SUD and recommends that it be found deficient. Notice of a STM must be given "on the form prescribed by the commission."¹ Staff's supplemental recommendation on administrative completeness and proposed notice filed on September 20, 2019, included a recommended form notice to be used by Applicants in this proceeding. Tri- County SUD provided an affidavit of notice stating that notice was provided on

¹ 16 TAC § 24.239(c).

October 4, 2019, along with a list of the customers, neighboring utilities, and affected parties to which the notice was mailed. However, Tri-County SUD did not include an example of the actual notice that was provided to the persons listed. Consequently, Staff is unable to verify whether the notice contained the information prescribed by 16 TAC § 24.239(c).

Staff recommends that Tri-County SUD be ordered to file a copy of the notice mailed to customers, neighboring utilities, and affected parties by November 4, 2019, and that Staff be given a deadline of November 14, 2019, to file a supplemental recommendation on sufficiency of notice.

III. CONCLUSION

Staff respectfully recommends that Tri-County SUD's notice be found deficient and that Tri-County SUD be ordered to file a copy of the notice mailed to customers, neighboring utilities, and affected parties by November 4, 2019.

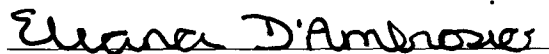
Dated: October 21, 2019

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 October 21, 2019, in accordance with 16 TAC § 22.74.


Eleanor D'Ambrosio