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DOCKET NO. 49691

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

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PUBLIC UTILITY COMMISSION

OF TEXAS

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

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this Supplemental 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, and Staff filed its recommendation on October 21, 2019. Order No. 4, issued October 23, 2019, found the notice deficient and established November 14, 2019, as the deadline for Tri-County SUD to file a copy of the notice mailed to customers, neighboring utilities, and affected parties by November 4, 2019. Order No. 4 also directed Staff to file a supplemental recommendation on the sufficiency of notice by November 14, 2019. Therefore, this pleading is timely filed.

II. SUPPLEMENTAL RECOMMENDATION ON NOTICE

Staff has reviewed the proof of notice and supplement filed by Tri-County SUD on October 11, 2019, and October 29, 2019, and recommends that the notice be found sufficient. The affidavit of Patricia Ferguson indicates that notice was mailed on October 4, 2019, and the attached list of recipients confirms that notice was provided to all affected parties identified in Staff's supplemental recommendation on administrative completeness and proposed notice filed on September 20, 2019. Further, the copy of the notice provided in the supplement demonstrates that Tri-County SUD used the form of notice recommended by Staff.¹ Thus, Tri-County SUD has complied with the applicable requirements of 16 TAC § 24.239.

III. PROPOSED PROCEDURAL SCHEDULE

In accordance with Staff's recommendation that the notice be found sufficient, Staff proposes the following procedural schedule:

Event	Date
Notice completed	October 4, 2019
Deadline for intervention	November 4, 2019
Deadline for Staff to request a hearing or file a recommendation on the approval of the sale and on the CCN amendment	December 4, 2019
Deadline for parties to file a response to Staff's recommendation	December 18, 2019
Deadline for parties to file a joint motion to admit evidence and proposed order approving sale and allowing transaction to proceed.	January 8, 2020
120-day deadline for the Commission to approve the sale or require a hearing	February 1, 2020 ²

¹ Staff notes that Tri-County SUD's supplemental filing also contained a Publisher's Affidavit indicating that notice was published in the *Malin Democrat* on October 9, 2019 and October 16, 2019. However, Staff did not recommend notice by publication and 16 TAC § 24.239(e) grants the Commission the discretion as to whether published notice is required.

² Pursuant to 16 TAC § 24.239(a) and (j), the deadline for Commission action is 120 days after the mailing or publication of notice, if required), whichever occurs later. Because Staff did not recommend notice by publication, Staff is using October 4, 2019, as the date notice was completed. One hundred and twenty days after October 4, 2019 is February 1, 2020.

IV. CONCLUSION

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


Dated: October 31, 2019

Respectfully Submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

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DOCKET NO. 49691 CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on October 31, 2019, in accordance with 16 TAC § 22.74.


Eleanor D'Ambrosio