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DOCKET NO. 49845

**APPLICATION OF RIVER ACRES
WATER SUPPLY CORPORATION TO
AMEND ITS WATER CERTIFICATE
OF CONVENIENCE AND NECESSITY
IN NUECES COUNTY**

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PUBLIC UTILITY COMMISSION

OF TEXAS

**COMMISSION STAFF'S RECOMMENDATION ON SUFFICIENCY OF NOTICE AND
PROPOSED PROCEDURAL SCHEDULE**

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this Commission Staff's Recommendation on Sufficiency of Notice and Proposed Procedural Schedule. Staff recommends that notice is insufficient. In support thereof, Staff shows the following:

I. BACKGROUND

On August 12, 2019, River Acres Water Supply Corporation (River Acres) filed an application to amend its water Certificate of Convenience and Necessity (CCN) No. 11084 in Nueces County. The total water service area requested by River Acres is comprised of two distinct bounded areas, totaling approximately 816 acres. River Acres is presently serving one customer in one of the requested areas. On one of the tracts, River Acres received a request for service from a residential developer that plans to build 81 homes. On the other tract, River Acres anticipates future mixed-use development. On July 28, 2020 and July 31, 2020, River Acres filed documents attesting to the provision of notice.

On June 30, 2020, Order No. 8 in this proceeding was issued, finding the application to be administratively complete and requiring Staff to file a recommendation on the sufficiency of notice and to propose a procedural schedule by August 6, 2020. Therefore, this pleading is timely filed.

II. SUFFICIENCY OF NOTICE

Staff has reviewed the notice documents filed on July 28, 2020 and July 31, 2020 and recommends that notice is insufficient at this time. Specifically, Staff recommends that River Acres has not demonstrated that it provided notice of the application to the Nueces County Judge as required in the memorandum attached to Staff's June 12, 2020 recommendation on

proposed notice. Further, while River Acres' July 31, 2020 filing contained a Publisher's Affidavit, the affidavit was left blank. Accordingly, Staff recommends that River Acres be ordered to provide notice of the application to the Nueces County Judge and demonstrate proof of published notice by filing a completed Publisher's Affidavit by August 28, 2020.

III. PROPOSED PROCEDURAL SCHEDULE

In accordance with Staff's recommendation that notice be found insufficient at this time, Staff proposes the following procedural schedule:

Event	Deadline
Deadline for River Acres to file signed affidavits that notice was given to the Nueces County Judge, along with a copy of the notice sent to the affected parties, and was published in a newspaper of general circulation	August 28, 2020
Deadline for Commission Staff to file a supplemental recommendation on the sufficiency of notice and propose a supplemental procedural schedule	September 9, 2020
Deadline to intervene	30 days after notice is issued

IV. CONCLUSION

Staff recommends that notice be found insufficient and that the above-proposed procedural schedule be adopted. Staff respectfully requests that an order be issued consistent with the foregoing recommendations.

Dated: August 6, 2020

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Rachelle Nicolette Robles
Division Director

Heath D. Armstrong
Managing Attorney

/s/Courtney Dean

Courtney N. Dean
State Bar No. 24116269
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7235
(512) 936-7268 (facsimile)
courtney.dean@puc.texas.gov

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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 August 6, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/Courtney Dean

Courtney N. Dean