

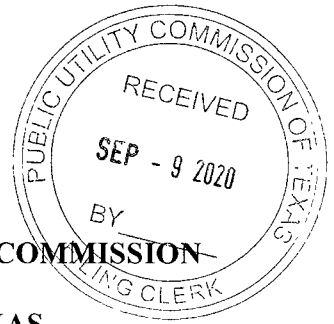
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**DOCKET NO. 49845**



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

**PUBLIC UTILITY COMMISSION  
OF TEXAS**

**COMMISSION STAFF'S SUPPLEMENTAL 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 Supplemental 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. River Acres filed documents attesting to the provision of notice on July 28, 2020, July 31, 2020, and August 7, 2020.

On August 11, 2020, Order No. 9 in this proceeding was issued, requiring Staff to file a supplemental recommendation on the sufficiency of notice and to propose a procedural schedule by September 9, 2020. Therefore, this pleading is timely filed.

**II. SUFFICIENCY OF NOTICE**

Staff has reviewed the notice documents filed on August 7, 2020 and recommends that notice remains insufficient. Staff recommends that River Acres provided updated documents attempting to show that direct notice was sent to the Nueces County Judge, as recommended in Staff's August 6, 2020 recommendation on the sufficiency of notice. However, River Acres did not complete a new affidavit of notice to accompany these documents, instead re-attaching

the affidavit originally filed with the notice documents filed on July 28, 2020. Because the August 7, 2020 notice documents demonstrate that notice was provided to an additional party not included in the July 28, 2020 notice documents, Staff recommends that River Acres be ordered to execute and file an updated affidavit of notice attesting that notice was provided to the Nueces County Judge alongside a copy of the notice and map sent.

Additionally, on August 7, 2020, River Acres filed a publisher's affidavit attesting that notice of the application was provided in the *Corpus Christi Caller Times*, a publication of general circulation in Nueces County, on July 11, 2020 and July 18, 2020. The publisher's affidavit was notarized by a Notary Public for the State of Wisconsin, rather than a Notary Public for the State of Texas. Under 16 TAC § 24.235(c), it is not required that the publisher's affidavit be notarized by a Texas notary. However, the Commission standard form provides a signature line for a Texas notary. After communicating with the applicant, it is Staff's understanding that the publisher's affidavit was notarized by a Wisconsin notary because the publication is owned by a Wisconsin company and therefore was notarized in Wisconsin. Therefore, Staff respectfully recommends that the notarized publisher's affidavit be deemed sufficient under 16 TAC § 24.235(c).

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

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

<b>Event</b>	<b>Deadline</b>
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	September 23, 2020
Deadline for Commission Staff to file a supplemental recommendation on the sufficiency of notice and propose a supplemental procedural schedule	September 30, 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: September 9, 2020

Respectfully submitted,

#### **PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION**

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#### **DOCKET NO. 49845 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 9, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/Courtney Dean  
Courtney N. Dean