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DOCKET NO. 49879

**APPLICATION OF SWIFT WATER §
SUPPLY CORPORATION TO AMEND §
ITS WATER CERTIFICATE OF §
CONVENIENCE AND NECESSITY IN §
NACOGDOCHES COUNTY §**

**PUBLIC UTILITY COMMISSION
OF TEXAS**

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

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this Supplemental Recommendation on Sufficiency of Notice. Staff recommends that the proof of notice provided on May 27, 2020 and July 9, 2020 be found sufficient, and that the mapping adjustments as a result of the opt-outs filed on May 11, 2020 and May 22, 2020, be found sufficient. In support thereof, Staff shows the following:

I. BACKGROUND

On August 21, 2019, Swift Water Supply Corporation (Swift) filed an application to amend its water certificate of convenience and necessity (CCN) No. 11420 in Nacogdoches County. The requested area consists of approximately 3,136 acres and 62 current customers. Swift filed supplemental information on October 14, 2019, December 16, 2019, January 7, 2020, and February 10, 2020.

On May 11 and 22, 2020, William T. Hunt and Andrew Hunt filed opt out requests. Swift filed revised maps reflecting the opt out request on May 27, 2020 along with its proof of notice. Order No. 8 issued on July 6, 2020, found Swift's notice deficient and required Staff to file a supplemental recommendation on the sufficiency of notice and a recommendation on Swift's mapping revisions by July 23, 2020. Therefore, this pleading is timely filed.

II. RECOMMENDATION ON NOTICE AND MAPPING

As supported by the attached memorandum of Patricia Garcia, Senior Engineering Specialist in the Commission's Infrastructure Division, Staff recommends that the notice and mapping documentation provided on May 27, 2020 and July 9, 2020 be found sufficient. Swift

provided affidavits attesting to notice being published and provided to neighboring entities and customers along with copies of the notices and maps used. The July 9, 2020 filing contained the names of the 62 customers who were mailed notice by Swift as required by Order No. 8 and the Commission's rules. Therefore, Staff recommends that the notice as supplemented and the revised mapping reflecting opt out requests are sufficient. Staff further recommends that removing the property subject to the opt out requests has reduced the requested area to approximately 2,754 total acres and 62 current customers.

III. PROPOSED PROCEDURAL SCHEDULE

Staff proposes the following procedural schedule:

Event	Date
Notice completed	July 1, 2020
Deadline for intervention	July 31, 2020 ¹
Deadline for Staff to provide final maps, certificates, and tariffs (if applicable), to Applicant for review and consent	September 29, 2020
Deadline for Applicant to file signed consent forms with the Commission	October 13, 2020
If no hearing is requested, deadline for Staff to file a final recommendation on the Application	October 20, 2020
If no hearing is requested, deadline for parties to file joint proposed findings of fact and conclusions of law	November 3, 2020

IV. CONCLUSION

Staff respectfully recommends that the proof of notice provided on May 27, 2020 and July 9, 2020 be found sufficient, and that the mapping adjustments made as a result of the opt-outs filed on May 11, 2020 and May 22, 2020, be found sufficient, and requests the issuance of an order consistent with Staff's recommendation.

¹ Pursuant to 16 TAC § 24.106(a)(3), the intervention deadline is 30 days after the mailing or publication of notice, whichever occurs later. Notice was mailed on July 1, 2020 and published on May 10, 2020 and May 17, 2020. Therefore, 30 days after July 1, 2020 (latest date) is July 31, 2020.

Dated: July 23, 2020

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Rachelle Nicolette Robles
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/s/ John Harrison

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CERTIFICATE OF SERVICE

I certify that, unless ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on July 23, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ John Harrison

John Harrison

PUCT Interoffice Memorandum

To: John Harrison, Attorney
Legal Division

From: Patricia Garcia, Senior Engineering Specialist
Infrastructure Division

Date: July 23, 2020

Subject: **Docket No. 49879**, Application of Swift Water Supply Corporation to Amend its Water Certificate of Convenience and Necessity in Nacogdoches County

On August 21, 2019, Swift Water Supply Corporation (Swift Water or Applicant) filed with the Public Utility Commission of Texas (Commission) an application to amend its water Certificate of Convenience and Necessity (CCN) No. 11420 in Nacogdoches County, Texas pursuant to Texas Water Code (TWC) §§ 13.242 to 13.250 and 16 Texas Administrative Code (TAC) §§ 24.225 to 24.237. The total service area being requested includes approximately 3,123 acres and 62 current customers.

On May 27, 2020 and July 13, 2020, the Applicant provided an affidavit attesting to notice being published and provided to neighboring entities and customers.

On May 11, 2020 and May 22, 2020, William and Andrew Hunt submitted opt-out requests. On May 27, 2020, the Applicant submitted revised mapping to remove property subject to the opt out request. After the adjustments were made the requested area was reduced to approximately 2,754 total acres and 62 current customers.

Staff has determined the notice and mapping documentation provided on May 27, 2020 and July 13, 2020 is sufficient.