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DOCKET NO. 50041

**APPLICATION OF AIRW 2017-7, L.P.
TO OBTAIN A WATER CERTIFICATE
OF CONVENIENCE AND NECESSITY
IN COLLIN COUNTY**

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**PUBLIC UTILITY COMMISSION
OF TEXAS**

COMMISSION STAFF'S RECOMMENDATION ON SUFFICIENCY OF NOTICE

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and in response to Order No. 7, files this recommendation on sufficiency of notice. In support thereof, Staff shows the following:

I. BACKGROUND

On September 23, 2019, North Custer Road Plant filed an application to obtain a water Certificate of Convenience and Necessity (CCN) in Collin County. The requested service area consists of 138 acres and currently has no customers. The docket was subsequently re-styled to reflect that AIRW 2017-7, L.P. (AIRW 2017-7) was the correct name of the applicant. AIRW 2017-7 filed supplements to the application on July 15, 2020.

On August 12, 2020, the administrative law judge (ALJ) issued Order No. 7 finding the application, as supplemented, administratively complete. Order No. 7 also directed Staff to file a recommendation on sufficiency of notice by October 2, 2020. Therefore, this pleading is timely filed.

II. NOTICE

Staff has reviewed AIRW 2017-7's proof of notice and recommends that it be found sufficient. AIRW 2017-7 filed proof of completed notice on August 18, 2020 and August 27, 2020. AIRW 2017-7's filings included signed affidavits attesting that a copy of the notice provided by Staff and a map was sent to the neighboring utilities and other affected parties as described in Staff's recommendation on administrative completeness. AIRW 2017-7 also filed a publisher's affidavit attesting that notice was published in a newspaper of general circulation in Collin County for two consecutive weeks and tear sheets. Therefore, AIRW 2017-7 has substantially met the notice requirements of 16 Texas Administrative Code § 24.235(b). Pursuant to this review, Staff recommends that the notice be found sufficient.

III. PROPOSED PROCEDURAL SCHEDULE

Staff recommends that notice be found sufficient; therefore, Staff proposes the following procedural schedule:

Event	Date
Notice completed	August 27, 2020
Deadline for intervention	September 28, 2020 ¹
Deadline for Staff to provide final maps, certificates, and tariffs (if applicable), to applicant for review and consent	November 6, 2020
Deadline for applicant to file signed consent forms with the Commission	November 20, 2020
If no hearing is requested, deadline for Staff to file a final recommendation on the Application	December 2, 2020
If no hearing is requested, deadline for parties to file joint proposed findings of fact and conclusions of law	December 9, 2020

IV. CONCLUSION

For the reasons detailed above, Staff respectfully recommends that AIRW 2017-7's notice be found sufficient and that the proposed procedural schedule be adopted.

¹ Pursuant to 16 TAC § 24.235(a)(3), the intervention deadline is 30 days after the mailing or publication of notice, whichever occurs later. Notice was mailed to the last affecter person on August 27, 2020 and published on August 16, 2020 and August 23, 2020. Therefore, 30 days after August 27, 2020 is September 26, 2020. The Commission was closed on Saturday, September 26, 2020. Under 16 TAC 22.4(a), the intervention deadline was moved to September 28, 2020, which was the next day the Commission is open for business.

Dated: October 2, 2020

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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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 October 2, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Kourtnee Jinks
Kourtnee Jinks