

Control Number: 50059



Item Number: 19

Addendum StartPage: 0

**DOCKET NO. 50059**

RECEIVED

2020 JAN 17 PM 4:10

PUBLIC UTILITY COMMISSION  
OF TEXAS  
FILING CLERK

**APPLICATION OF DOUBLE  
DIAMOND UTILITIES COMPANY,  
INC., DOUBLE DIAMOND  
PROPERTIES CONSTRUCTION  
COMPANY, AND MIDWAY WATER  
UTILITIES, INC. FOR SALE,  
TRANSFER, OR MERGER OF  
FACILITIES AND CERTIFICATE  
RIGHTS IN HILL, PALO PINTO,  
JOHNSON, AND GRAYSON  
COUNTIES**

§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§

**PUBLIC UTILITY COMMISSION  
OF TEXAS**

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

**COMES NOW** the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this recommendation. Staff recommends that the proof of notice provided be deemed sufficient. In support thereof, Staff would show the following:

**I. BACKGROUND**

On September 27, 2019, Midway Water Utilities, Inc. (Midway), Double Diamond Utilities Co., and Double Diamond Properties Construction Co. (Double Diamond) (collectively, Applicants) filed an application for the transfer of assets. Double Diamond seeks to sell the assets of water Certificate of Convenience and Necessity (CCN) Nos. 12087 and 13235 and sewer CCN No. 20705 and transfer the respective water and sewer CCNs to Midway. The application is filed pursuant to Texas Water Code (TWC) § 13.301 and 16 Texas Administrative Code (TAC) § 24.239. Additionally, Midway proposes to consolidate water CCN Nos. 12087 and 13235 into CCN No. 12087.

On December 2, 2019, Order No. 4 was issued, finding the application to be administratively complete and directing Staff to file a recommendation on the sufficiency of notice within ten days of the Applicants filing signed affidavits and proof of publication. On December 2, 2019, the Applicants filed an affidavit attesting that notice was provided to affected parties. On January 8, 2020, the Applicants filed proof of publication. On January 10, 2020, the Applicants filed supplemental proof of notice, making Staff's deadline to file comments on sufficiency of notice January 20, 2020. This pleading, therefore, is timely filed.

## II. NOTICE

Staff has reviewed the notice submitted and recommends that it be deemed sufficient. Notice was mailed to affected entities on December 2, 2019, and January 10, 2020, and published on December 7, 2019, December 9, 2019, December 11, 2019, December 13, 2019, December 16, 2019, December 18, 2019, and December 20, 2019, in *The Reporter Newspaper*, *The Graham Ledger*, *The Cleburne Times Review*, and *The Whitesboro News-Record*, newspapers having general circulation in Hill, Palo Pinto, Johnson, and Grayson Counties, respectively.

## III. PROCEDURAL SCHEDULE

Staff proposes the following procedural schedule:

Event	Date
Notice completed	January 10, 2020
Deadline for intervention	February 10, 2020 <sup>1</sup>
Deadline for Staff to request a hearing or file a final recommendation on approval of the sale	March 10, 2020
Deadline to parties to respond to Staff's recommendation	March 24, 2020
120-day deadline for the Commission to approve the sale or require a hearing	May 11, 2020 <sup>2</sup>

## IV. CONCLUSION

Staff respectfully requests the issuance of an order consistent with the foregoing recommendation.

---

<sup>1</sup> Pursuant to 16 TAC § 24.239(b), the intervention period shall not be less than 30 days unless good cause is shown. Notice was mailed on November 26, 2019 and January 10, 2020, and published on December 7, 2019, December 9, 2019, December 11, 2019, December 13, 2019, December 16, 2019, December 18, 2019, and December 20, 2019. Therefore, 30 days after January 10, 2020 is February 9, 2020, which falls on a Sunday, as such the deadline would continue to the next day the Commission is open, February 10, 2020.

<sup>2</sup> Pursuant to 16 TAC § 24.239 (a) and (j), the deadline for Commission action is 120 days after the mailing or publication of notice, whichever occurs later. One hundred and twenty days after January 10, 2020 is May 9, 2020, which falls on a Saturday, as such the deadline would continue to the next day the Commission is open, May 11, 2020.

Dated: January 17, 2020

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Thomas S. Hunter  
Division Director

Heath D. Armstrong  
Managing Attorney



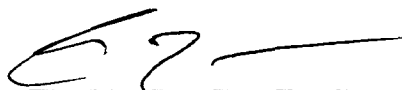
---

Creighton R. McMurray  
State Bar No. 24109536  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326  
(512) 936-7275  
(512) 936-7268 (facsimile)  
creighton.mcmurray@puc.texas.gov

**DOCKET NO. 50059**

**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on this the 17<sup>th</sup> of January 2020 in accordance with 16 TAC § 22.74.



---

Creighton R. McMurray