



Control Number: 50169



Item Number: 34

Addendum StartPage: 0

5/11/2021

**APPLICATION OF THE CITY OF
AUBREY TO AMEND ITS
CERTIFICATES OF CONVENIENCE
AND NECESSITY AND TO
DECERTIFY PORTIONS OF
MUSTANG SPECIAL UTILITY
DISTRICT'S SERVICE AREAS IN
DENTON COUNTY**

§
§
§
§
§
§
§
§

**PUBLIC UTILITY COMMISSION
OF TEXAS**

2021 MAR 17 PM 10:55
FILED BY [unclear]

COMMISSION STAFF'S RECOMMENDATION ON SUFFICIENCY OF NOTICE

On October 28, 2019, the City of Aubrey (Aubrey) filed an application to amend its certificates of convenience and necessity and to decertify portions of Mustang Special Utility District's service areas in Denton County. On February 5, 2021, the administrative law judge (ALJ) filed Order No. 9 establishing a deadline for Staff of the Public Utility Commission of Texas (Staff) to file a recommendation on sufficiency of notice and propose a procedural schedule by March 5, 2021. Therefore, this pleading is timely filed.

I. NOTICE

Staff recommends that the applicant's notice be found sufficient. In Order No. 9, the ALJ found Aubrey's notice insufficient due to an error found by Staff and Aubrey and ordered Aubrey re-issue the corrected notice to the Upper Trinity Water Supply District. On February 12, 2021, Aubrey submitted the affidavit of Jenny Huckabee stating that notice had been reissued to the Upper Trinity Water Supply District and provided an example of the corrected notice with the attached maps. Therefore, Staff recommends that Aubrey has substantially met the requirements of 16 Texas Administrative Code § 24.235 and that Aubrey's notice be found sufficient.

II. PROPOSED PROCEDURAL SCHEDULE

Consistent with Staff's sufficiency recommendation, Staff proposes the following procedural schedule:

Event	Date
Notice completed	February 8, 2021
Deadline for intervention	March 10, 2021 ¹
Deadline for Staff to provide final maps, certificates, and tariffs (if applicable), to Aubrey for review and consent	April 9, 2021
Deadline for Aubrey to file signed consent forms with the Commission	April 23, 2021
If no hearing is requested, deadline for Staff to file a final recommendation on the Application	May 7, 2021
If no hearing is requested, deadline for parties to file joint proposed findings of fact and conclusions of law	May 21, 2021

III. CONCLUSION

For the reasons detailed above, Staff recommends that the notice provided be deemed sufficient and respectfully requests 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 on February 8, 2021 and published on December 20, 2021 and December 27, 2021. Therefore, 30 days after February 8, 2021 is March 10, 2021.

Dated: March 5, 2021

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Rachelle Nicolette Robles
Division Director

Rashmin J. Asher
Managing Attorney

/s/ Kourtnee Jinks
Kourtnee Jinks
State Bar No. 24097146
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7265
(512) 936-7268 (facsimile)
kourtnee.jinks@puc.texas.gov

DOCKET NO. 50169

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 March 5, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Kourtnee Jinks
Kourtnee Jinks