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DOCKET NO. 50319

APPLICATION OF SWWC §
UTILITIES, INC. DBA WATER §
SERVICES, INC. AND MONARCH §
UTILITIES I, L.P. FOR SALE, §
TRANSFER, OR MERGER OF §
FACILITIES AND CERTIFICATE §
RIGHTS IN BANDERA, BEXAR, §
COMAL, GILLESPIE, GUADALUPE, §
HAYS, KENDALL, KERR, AND §
MEDINA COUNTIES §

PUBLIC UTILITY COMMISSION
OF TEXAS



**STAFF’S RECOMMENDATION ON THE SUFFICIENCY OF NOTICE AND
PROPOSED AMENDED PROCEDURAL SCHEDULE**

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this Staff’s Recommendation on the Sufficiency of Notice and Proposed Amended Procedural Schedule. Staff recommends that notice of the application is incomplete at this time. In support thereof, Staff shows the following:

I. BACKGROUND

On December 5, 2019, SWWC Utilities, Inc. d/b/a Water Services, Inc. (SWWC) and Monarch Utilities I, L.P. (Monarch) (collectively, Applicants) filed an application for approval of the sale, transfer, or merger of facilities and certificate rights in in Bandera, Bexar, Comal, Gillespie, Guadalupe, Hays, Kendall, Kerr, and Medina Counties. Specifically, SWWC seeks to transfer the water service area held under its Certificate of Convenience and Necessity (CCN) No. 11106 and the associated facilities to Monarch and then cancel its CCN. The requested sale and transfer includes approximately 8,258 acres and 3,905 customers.

On May 18, 2020, Order No. 4 in this proceeding was issued, directing the Applicants to proceed with providing notice as detailed in Staff’s May 15, 2020, Recommendation on Administrative Completeness and Proposed Procedural Schedule (recommendation). On June 4, 2020, the Applicants filed an affidavit attesting to the provision of notice to affected parties. On June 8, 2020, the Applicants confidentially filed a mailing list detailing the current customers, neighboring utilities, and affected parties that received the notice that accompanied the June 4, 2020 affidavit.

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Order No. 4 also required Staff to file a recommendation on the sufficiency of notice by June 25, 2020. Therefore, this pleading is timely filed.

II. SUFFICIENCY OF NOTICE

Staff has reviewed the Applicants' affidavit of notice and confidential mailing list and recommends that notice is not sufficient at this time. Order No. 4 in this proceeding required the Applicants to provide notice as detailed in Staff's May 15, 2020 recommendation. Staff's recommendation included a list of persons and entities to whom notice should be provided, including the following groundwater conservation districts (GCD): Bandera County River Authority & Groundwater District, Barton Springs-Edwards Aquifer Conservation District, Cow Creek Groundwater Conservation District, Edwards Aquifer Authority Groundwater Conservation District, Headwaters Groundwater Conservation District, Hill Country Underground Water Conservation District, Medina County Underground Water Conservation District, and Trinity Glen Rose Groundwater Conservation District.

In reviewing the Applicants' notice documents, Staff was unable to locate any statement or proof that notice was provided to the above-mentioned GCDs. Therefore, Staff recommends that the Applicants be ordered to provide proper notice to those GCDs as detailed in Staff's May 15, 2020 recommendation. Staff additionally recommends that the notice provided to the GCDs be amended to reflect the intervention deadline detailed below.

Further, Staff recommends that the Applicants be ordered to file an electronic version of the maps provided to affected parties via hyperlink included in the notice.

IV. AMENDED PROPOSED PROCEDURAL SCHEDULE

Staff proposes the following amended procedural schedule:

Event	Date
Deadline for Applicants to file with the Commission signed affidavits that the notice was given to the aforementioned GCDs along with a copy of the notice sent	July 9, 2020
Deadline for Staff to file a supplemental recommendation on sufficiency of notice	July 16, 2020
Deadline to intervene	Thirty (30) days after notice is issued

V. CONCLUSION

Staff recommends that notice be found insufficient, that the Applicants be ordered to provide notice to the above-mentioned GCDs, and that the above-proposed procedural schedule be adopted. Staff respectfully requests that an order be issued consistent with the foregoing recommendations.

Dated: June 25, 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 June 25, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/Courtney Dean
Courtney N. Dean