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APPLICATION OF SP UTILITY, INC. §
TO AMEND ITS CERTIFICATE OF §
CONVENIENCE AND NECESSITY AND §
FOR DUAL CERTIFICATION WITH §
DREW T. SPENCER DBA §
CYPRESSWOOD ESTATES IN §
MONTGOMERY COUNTY §

PUBLIC UTILITY COMMISSION
FILING CLERK
OF TEXAS

**COMMISSION STAFF'S CLARIFICATION IN RESPONSE TO ORDER NO. 11 AND
SUPPLEMENTAL RECOMMENDATION ON NOTICE**

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this Clarification in Response to Order No. 11 and Supplemental Recommendation on Notice. In support thereof, Staff shows the following:

I. BACKGROUND

On February 12, 2020, SP Utility, Inc. (SP Utility or Applicant) filed an application to amend its water certificate of convenience and necessity (CCN) number 12978 and for dual certification with Drew T. Spencer dba Cypresswood Estates Water System in Montgomery County, Texas. The requested area consists of 256 acres and 151 customer connections. SP Utility filed supplemental information on April 10, 2020, April 13, 2020, April 16, 2020, September 9, 2020, and November 6, 2020.

On December 17, 2020, the administrative law judge (ALJ) filed Order No. 11, requiring Staff to clarify whether there are any owners of tracts of land that are at least 25 acres and are wholly or partly located in the requested area and to submit a supplemental recommendation on notice, if appropriate, by December 28, 2020. Therefore, this pleading is timely filed.

II. CLARIFICATION AND SUPPLEMENTAL RECOMMENDATION ON NOTICE

On December 2, 2020, Staff filed its Recommendation on Sufficiency of Notice, recommending that SP Utility's published notice be found sufficient, but that notice to current customers, landowners, neighboring utilities and affected parties be found deficient. Staff recommended that SP Utility's notice to current customers, landowners, neighboring utilities and affected parties be found deficient because the affidavit and proof of notice did not address

owners of tracts of land that are at least 25 acres and are wholly or partly located in the requested area. Staff recommended that SP Utility provide a signed affidavit confirming that notice was sent to each owner of a tract of land that is at least 25 acres and is wholly or partly located in the requested area.

On December 7, 2020, SP Utility filed its Response to Staff's Recommendation on Sufficiency of Notice, stating that the Montgomery County Appraisal District map of the Cypresswood Estates Subdivision showed that no 25-acre or larger tracts exist inside the proposed CCN area.¹ Because SP Utility has now confirmed that there are no owners of tracts of land that are at least 25 acres and are wholly or partly located in the requested area, Staff recommends that SP Utility's notice to current customers, landowners, neighboring utilities and affected parties can now be found sufficient.

III. CONCLUSION

For the reasons detailed above, Staff respectfully recommends that SP Utility's notice be found sufficient.

¹ SP Utility Company, Inc's Response to Commission Staff's Recommendation on Notice and Proposed Procedural Schedule at 2 and Attachment A (Dec. 7, 2020).

Dated: December 28, 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 December 28, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Taylor P. Denison

Taylor P. Denison