



Control Number: 50563



Item Number: 22

Addendum StartPage: 0



DOCKET NO. 50563

**APPLICATION OF THE CITY OF
ALTON TO AMEND ITS SEWER
CERTIFICATE OF CONVENIENCE
AND NECESSITY IN HIDALGO
COUNTY**

§
§
§
§
§

**PUBLIC UTILITY COMMISSION
OF TEXAS**

**COMMISSION STAFF'S THIRD SUPPLEMENTAL 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 Third Supplemental Recommendation on Sufficiency of Notice. In support thereof, Staff shows the following:

I. BACKGROUND

On February 18, 2020, the City of Alton (Alton) filed an application to amend its sewer certificate of convenience and necessity (CCN) No. 20809 in Hidalgo County. The requested area consists of 1,434 total acres and 76 customer connections.

On October 2, 2020, the administrative law judge (ALJ) filed Order No. 6, finding Alton's notice insufficient and requiring Staff to file a supplemental recommendation on sufficiency of notice and propose a procedural schedule by November 12, 2020. Staff filed a request for extension on November 12, 2020 and the ALJ filed Order No. 7 on November 13, 2020 granting Staff's request for extension. Order No. 7 required Staff to file a supplemental recommendation on sufficiency of notice and propose a procedural schedule by November 20, 2020. Therefore, this pleading is timely filed.

II. SUFFICIENCY OF NOTICE

Staff has reviewed the proof of notice filed by Alton and recommends that it be found deficient. Notice of a CCN amendment must be given on the form provided by the Commission.¹ On October 5, 2020 and October 9, 2020, Alton filed an affidavit of notice stating that notice was provided on September 14, 15, 16, and 17, 2020, along with a list of the customers, neighboring utilities, and affected parties to which the notice was mailed and a copy of the mailed notice.

However, Alton did not provide notice to five of the parties listed in Staff's Supplemental Recommendation on Administrative Completeness filed on June 22, 2020.

In addition, Alton has not yet filed an example or copy of the notice that was published in a newspaper of general circulation in Hidalgo County as stated in the publisher's affidavit that was filed a part of Alton's proof of notice filed on October 5, 2020. Consequently, Staff is unable to verify whether the notice was mailed to the required parties and contained the information prescribed by 16 TAC § 24.235. Pursuant to this review, Staff recommends that the notice be found deficient.

III. PROPOSED PROCEDURAL SCHEDULE

In accordance with its deficiency recommendation, Staff does not propose a procedural schedule for further processing of this docket. Instead, Staff recommends that Alton be ordered to file proof of notice by January 8, 2021 and that Staff be given a deadline of January 22, 2021 to file a supplemental recommendation on sufficiency of notice and propose a procedural schedule.

IV. CONCLUSION

For the reasons detailed above, Staff respectfully recommends that notice be found deficient and that Alton be directed to file proof of notice by January 8, 2021.

¹ 16 Tex. Admin. Code § 24.235(a) and (b).

Dated: November 20, 2020

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. 50563

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 November 20, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

s/ Kourtnee Jinks
Kourtnee Jinks