



Control Number: 50585



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**DOCKET NO. 50585**

**APPLICATION OF POLONIA WATER  
SUPPLY CORPORATION AND THE  
CITY OF LOCKHART FOR SALE,  
TRANSFER, OR MERGER OF  
FACILITIES AND CERTIFICATE  
RIGHTS IN CALDWELL COUNTY**

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2020 JUN 25 AM 10:51  
PUBLIC UTILITY COMMISSION  
OF TEXAS  
FACILITY REGISTRATION

**COMMISSION STAFF'S RECOMMENDATION ON  
SUFFICIENCY OF NOTICE AND PROPOSED PROCEDURAL SCHEDULE**

**COMES NOW** the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this Recommendation on Sufficiency of Notice and Proposed Procedural Schedule. Staff recommends that notice be deemed sufficient. In support thereof, Staff shows the following:

**I. BACKGROUND**

On February 24, 2020, Polonia Water Supply Corporation (Polonia WSC) and the City of Lockhart (Lockhart) (the "Applicants") filed an application for sale, transfer, or merger of facilities and certificate of convenience and necessity (CCN) rights in Caldwell County. Polonia WSC seeks to transfer a portion of its water service area held under CCN No. 10420 to Lockhart. The Applicants filed supplemental information on April 3, 2020 and April 9, 2020. The Applicants filed proof of notice on June 15, 2020.

On May 18, 2020, Order No. 4 was issued establishing a deadline of June 25, 2020, for Staff to file a recommendation on the sufficiency of notice. Therefore, this pleading is timely filed.

**II. NOTICE**

Staff has reviewed the notice documentation filed by Applicants on June 15, 2020. Applicants filed an Affidavit of Notice to Current Customers, Neighboring Utilities, and Affected Parties indicating that notice of the application was mailed to the entities listed on the affidavits on May 29, 2020. Further, Applicants provided proof of publication in a newspaper of general circulation in Caldwell County, the Lockhart Post-Register, for two weeks on June 4, 2020 and June 11, 2020. Following a review of the notice of application filings provided by Applicants, Staff recommends that Applicants' notice be deemed sufficient in accordance with 16 Texas Administrative Code (TAC) §24.239.

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### **III. PROCEDURAL SCHEDULE**

In accordance with Staff's recommendation that Applicant's notice be found sufficient, Staff proposes the following procedural schedule.:

<b>Event</b>	<b>Date</b>
Notice complete	May 29, 2020
Deadline for intervention	June 29, 2020 <sup>1</sup>
Deadline for Staff to request a hearing or file a recommendation on the approval of the sale.	July 29, 2020
Deadline for parties to file a response to Staff's recommendation	August 28, 2020
120 day deadline for the Commission to approve the sale or require a hearing	September 28, 2020 <sup>2</sup>

### **IV. CONCLUSION**

For the reasons discussed above, Staff respectfully recommends that proof of notice be found sufficient and that the procedural schedule proposed above be adopted

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<sup>1</sup> Pursuant to 16 TAC § 24.239(b), the intervention period shall not be less than thirty (30) days unless good cause is shown. Notice was mailed on May 29, 2020. Therefore, thirty (30) days after May 29, 2020 is Monday, June 29, 2020.

<sup>2</sup> Pursuant to 16 TAC § 24.239(a) and (j), the deadline for Commission action is one hundred twenty (120) days after the mailing or publication of notice, whichever occurs later. One hundred and twenty days after May 29, 2020 is Saturday, September 26, 2020. The Commission is closed on Saturday, September 26, 2020 and thus the next business day the Commission is opened is Monday, September 28, 2020.

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/ Robert Dakota Parish  
Robert Dakota Parish