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DOCKET NO. 50789

**APPLICATION OF THE CITY OF
RICHLAND FOR A WATER
CERTIFICATE OF CONVENIENCE
AND NECESSITY AND FOR DUAL
CERTIFICATION WITH CORBET
WATER SUPPLY CORPORATION AND
PLEASANT GROVE WATER SUPPLY
CORPORATION IN NAVARRO
COUNTY**

**PUBLIC UTILITY COMMISSION
OF TEXAS**

COMMISSION STAFF'S RECOMMENDATION ON SUFFICIENCY OF NOTICE

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this Recommendation on Sufficiency of Notice. In support, Staff shows the following:

I. BACKGROUND

On April 27, 2020, the City of Richland (Richland) filed an application to obtain a water certificate of convenience and necessity (CCN) and for dual certification with Corbet Water Supply Corporation (Corbet WSC), CCN No. 12278 and Pleasant Grove Water Supply Corporation, CCN No. 10756 in Navarro County, Texas. Richland filed supplemental information on May 5, 15, and 28, 2020; June 24, 25, and 26, 2020; and July 2 and 22, 2020.

On July 29, 2020, the administrative law judge (ALJ) issued Order No. 3, which established a deadline of September 21, 2020 for Staff to file a recommendation on sufficiency of notice. Therefore, this pleading is timely filed.

II. SUFFICIENCY OF NOTICE

On August 20, 2020, Richland filed an affidavit attesting to provision of notice to the requisite entities and customers. On September 11, 2020, Richland filed an affidavit of publication. Staff has reviewed Richland's filings and recommends that its notice be found deficient.

Staff has identified the following deficiencies:

1. Winkler Water Supply Corporation, a neighboring retail public utility providing the same utility service whose corporate boundaries or certificated service area is

located within two miles from the outer boundary of the requested area, was not listed as having received notice.

2. The Navarro County Judge was not listed as having received notice.
3. Richland's application states that it has 282 customers, but it appears that only landowners with properties of 25 acres or more received notice.¹
4. Richland did not provide a copy of the map that was mailed with the notices.

Staff therefore respectfully recommends that Richland's notice to customers, landowners, neighboring utilities, and other affected persons be found deficient and that Richland be required to re-issue notice in compliance with Order No. 3, using the forms of notice and affidavits included in Staff's recommendation on administrative completeness filed on July 28, 2020. Staff further recommends that Richland's published notice be found sufficient.

III. PROCEDURAL SCHEDULE

Based on its recommendation that Richland's notice be found deficient, Staff proposes the following procedural schedule:

Event	Date
Deadline for Richland to file proof of notice, including signed affidavits that notice was provided and a copy of the notice and map sent to the affected parties	October 20, 2020
Deadline for Staff to file a recommendation on sufficiency of notice	October 30, 2020
Deadline to file a motion to intervene; deadline to request a hearing on the merits	30 days after notice is issued

IV. CONCLUSION

For the reasons discussed above, Staff respectfully requests that Richland's notice be found deficient and that the procedural schedule above be adopted for further processing of this docket.

¹ The list attached to the affidavit of notice includes a total of 66 recipients.

Dated: September 21, 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 on September 21, 2020 in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Merritt Lander
Merritt Lander