



Control Number: 50819



Item Number: 9

Addendum StartPage: 0

DOCKET NO. 50819

**APPLICATION OF SHEROLL §
RICHARDSON, ADMINISTRATOR OF §
THE ESTATE OF HERB MADISON §
AND SHEROLL AND ROGER §
RICHARDSON DBA NORTHTOWN §
ACRES WATER SUPPLY FOR SALE, §
TRANSFER, OR MERGER OF §
FACILITIES AND CERTIFICATE §
RIGHTS IN NAVARRO COUNTY §**

**PUBLIC UTILITY COMMISSION
OF TEXAS**



COMMISSION STAFF'S RECOMMENDATION ON NOTICE SUFFICIENCY

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

I. BACKGROUND

On May 5, 2020, Sheroll Richardson, administrator of the Estate of Herb Madison (Estate) and Sheroll and Roger Richardson dba Northtown Acres Water Supply (Northtown Acres) (collectively, Applicants) filed an application for an amendment of a Certificate of Convenience and Necessity (CCN) and a Sale, Transfer, or Merger (STM) of facilities and certificate rights in Navarro County, Texas. The Applicants seek approval to acquire facilities and to transfer all of Northtown Acres' water CCN No. 11704 from the Estate to Northtown Acres. The area to be transferred is currently certificated to Northtown Acres and includes approximately 1,810 acres and 167 current customers. The uncertificated area being requested in this application, located within the North Petty Chapel Subdivision, includes approximately 232 acres and 44 current customers. The total requested area is approximately 2,042 acres and 211 current customers.

On June 11, 2020, the administrative law judge (ALJ) issued Order No. 2, finding the application administratively complete and directing Northtown Acres to provide notice of the application and proof of notice by July 10, 2020. Northtown Acres filed its proof of notice on July 7, 2020. Order No. 2 also directed Staff to file a recommendation on sufficiency of notice and to propose a supplemental procedural schedule by July 17, 2020. Therefore, this pleading is timely filed.

II. NOTICE DEFICIENCY

Staff has reviewed the proof of notice filed by Northtown Acres and recommends that Northtown Acres' published notice be found sufficient, but that notice to current customers, landowners, neighboring utilities and affected parties be found deficient. Staff recommends that Northtown Acres file a revised proof of notice in the manner and form described in Patricia Garcia's memorandum dated June 10, 2020.

Specifically, Staff recommends that Northtown Acres provide a copy of the map delineating the requested area that was sent with the individual notice to neighboring utilities, other affected parties, landowners, and customers. In addition, Staff recommends that Northtown Acres provide a list of the names and addresses of the affected customers and other affected parties in both the certificated and uncertificated areas to whom notice was sent.¹ Further, Staff recommends that Northtown Acres provide a statement 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 uncertificated requested area within the North Petty Chapel Subdivision.

IV. PROCEDURAL SCHEDULE

Staff recommends that Northtown Acres' notice to current customers, landowners, neighboring utilities and affected parties be found deficient. Therefore, Staff recommends that a deadline of July 24, 2020 be established for Northtown Acres to supplement its proof of notice. Additionally, Staff recommends that a deadline of July 31, 2020 be established for Staff to review Northtown Acres' proof of notice and make a supplemental sufficiency recommendation.

V. CONCLUSION

For the reasons detailed above, Staff respectfully recommends that Northtown Acres' notice be found deficient and that the procedural schedule proposed above be adopted for further processing of this docket.

¹ Northtown Acres' proof of notice stated that notice was sent to "all current customers of Northtown Acres Water Supply" and "all current customers of North Petty Chapel Subdivision." Without a list of those customers, Staff is unable to determine whether the number of customers noticed matches the number of current customers listed in the application. Staff understands that customer counts may fluctuate by a few customers each month but would like the opportunity to verify that the number of customers noticed is close to 211.

Dated: July 17, 2020

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Rachelle Nicolette Robles
Division Director

Eleanor D'Ambrosio
Managing Attorney

/s/ Taylor P. Denison

Taylor P. Denison
State Bar No. 24116344
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7203
(512) 936-7268 (facsimile)
taylor.denison@puc.texas.gov

DOCKET NO. 50819

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 July 17, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Taylor P. Denison

Taylor P. Denison