



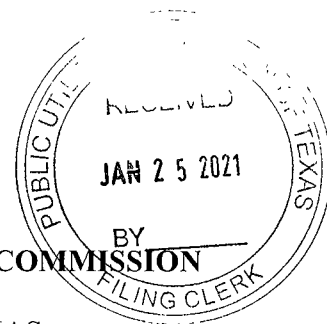
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DOCKET NO. 50861



APPLICATION OF MANVILLE §  
WATER SUPPLY CORPORATION TO §  
AMEND ITS CERTIFICATE OF §  
CONVENIENCE AND NECESSITY IN §  
LEE AND WILLIAMSON COUNTIES §

PUBLIC UTILITY COMMISSION  
OF TEXAS

**COMMISSION STAFF'S SUPPLEMENTAL RECOMMENDATION ON SUFFICIENCY  
OF NOTICE AND RECOMMENDATION ON SUFFICIENCY OF MAPPING  
REVISIONS**

**COMES NOW** the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and in response to Order No. 5, files this Supplemental Recommendation on Sufficiency of Notice and Recommendation on Sufficiency of Mapping Revisions. Staff recommends that the supplemental notice and revised mapping be deemed sufficient. In support thereof, Staff shows the following:

**I. BACKGROUND**

On May 18, 2020, Manville Water Supply Corporation (Manville WSC) filed an application to amend its water Certificate of Convenience and Necessity (CCN) No. 11144 in Lee and Williamson Counties. The requested service area consists of 9,322 acres and 54 customer connections. On November 9 and 12, 2020, the opt-out request of Barry Barker was filed, and Manville WSC filed revised mapping to reflect the opt-out request on November 13, 2020. The revised requested area now includes 9204.8 acres. Manville WSC filed supplemental proof of notice on December 29, 2020 and January 5, 2021.

On December 9, 2020, the administrative law judge filed Order No. 5, establishing a deadline of January 25, 2021 for Staff to file a supplemental recommendation on the sufficiency of Manville WSC's notice and a recommendation on the sufficiency of Manville WSC's mapping revisions to reflect the opt out request. Therefore, this pleading is timely filed.

**II. SUFFICIENCY OF NOTICE**

Staff has reviewed the proof of notice filed by Manville WSC on December 29, 2020 and January 5, 2021. Manville WSC filed publisher's affidavits showing that notice was published in the *Taylor Press*, a newspaper of general circulation in Williamson County, on December 13 and

20, 2020, and that notice was published in the *Lexington Leader*, a newspaper of general circulation in Lee County, on December 17 and 24, 2020. Manville WSC filed the publisher's affidavits in the docket within 30 days of the last publication date.<sup>1</sup>

Further, as stated in Staff's recommendation on sufficiency of notice filed on December 7, 2020, Manville WSC filed an affidavit attesting to the provision of notice to current customers, neighboring utilities, and affected parties on October 14, 2020. Manville WSC also filed a copy of the notice and maps sent, and a list of persons and entities that received notice. Manville WSC filed the affidavit in the docket on November 5, 2020, which is within 30 days of the date of notice.<sup>2</sup>

Staff has reviewed Manville WSC's proof of notice and recommends that Manville WSC provided notice in accordance with Staff's Recommendation on Administrative Completeness and Proposed Notice filed on October 9, 2020. Therefore, Staff recommends that Manville WSC's notice be deemed sufficient

### **III. SUFFICIENCY OF REVISED MAPPING**

Staff has reviewed the supplemental mapping information filed by Manville WSC to reflect Mr. Barker's request to opt out, and as detailed in the attached memorandum of Jolie Mathis, Infrastructure Division, Staff recommends that the revised mapping be deemed sufficient.

### **IV. PROCEDURAL SCHEDULE**

Staff recommends that notice be found sufficient; therefore, Staff proposes the following procedural schedule:

<b>Event</b>	<b>Date</b>
Notice Completed	December 24, 2020
Deadline to Intervene	January 25, 2021 <sup>3</sup>

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<sup>1</sup> 16 TAC § 24.235(c).

<sup>2</sup> 16 TAC § 24.235(b)(4).

<sup>3</sup> Under 16 TAC § 24.235(a)(3), the intervention deadline is 30 days after the mailing or publication of notice, whichever occurs later. Notice was mailed on October 14, 2020 and published on December 13, 17, 20, and 24, 2020. Therefore, 30 days after December 24, 2020 is January 23, 2021. Because January 23, 2021 is a Saturday,

Deadline for Commission Staff to provide final maps, certificates, and tariffs (if applicable), to the applicant for review and consent	March 1, 2021
Deadline for Manville WSC to file signed consent forms with the Commission	March 15, 2021
If no hearing is requested, deadline for Commission Staff to file a final recommendation on the application	March 29, 2021
If no hearing is requested, deadline for the parties to file joint proposed findings of fact and conclusions of law	April 12, 2021

## V. CONCLUSION

For the reasons stated above, Staff respectfully recommends that Manville WSC's notice and revised maps be found sufficient and that the proposed procedural schedule be adopted.

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a day the Commission is closed, the deadline rolls-over to the following Monday, January 25, 2021, under 16 TAC § 22.4(a).

Dated: January 25, 2021

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 January 25, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Daniel Moore  
Daniel Moore

# *Public Utility Commission of Texas*

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## **Memorandum**

**TO:** Daniel Moore, Attorney  
Legal Division

**FROM:** Jolie Mathis, Utility Engineering Specialist  
Infrastructure Division

**DATE:** January 25, 2021

**RE:** **Docket No. 50861**, *Application of Manville Water Supply Corporation to Amend its Certificate of Convenience and Necessity in Lee and Williamson Counties*

On May 18, 2020, Manville Water Supply Corporation (Manville WSC) filed with the Public Utility Commission of Texas (Commission) an application to amend its water Certificate of Convenience and Necessity (CCN) No. 11144 in Lee and Williamson Counties, Texas under Texas Water Code (TWC) §§ 13.242 to 13.250 and 16 Texas Administrative Code (TAC) §§ 24.225 to 24.237.

Based on the mapping review by Tracy Montes, Infrastructure Division, and my technical and managerial review of the additional information filed by Manville WSC on November 13, 2020, I recommend that the revised mapping be deemed sufficient.

The maps and digital data filed on November 13, 2020 are sufficient to resolve Mr. Barry Barker's opt-out request. The requested area was reduced from approximately 9,322 acres at the time of notice, to approximately 9,204.8 acres after removing Mr. Barker's property from the requested area.

Staff may determine that additional information is needed to make a final recommendation in this docket. If additional information is needed, Staff may send requests for information (RFI) to Manville WSC. Manville WSC will have 20 days from the receipt of the RFI to respond.