



Control Number: 50895



Item Number: 18

Addendum StartPage: 0



DOCKET NO. 50895

**APPLICATION OF CHAMPS WATER §
COMPANY AND MIDWAY WATER §
UTILITIES, INC. FOR SALE, §
TRANSFER, OR MERGER OF §
FACILITIES AND CERTIFICATE §
RIGHTS IN HARRIS AND §
MONTGOMERY COUNTIES §**

**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 in response to Order No. 5, files this Recommendation on Sufficiency of Notice. Staff recommends that the notice be deemed sufficient. In support thereof, Staff shows the following:

I. BACKGROUND

On June 1, 2020, Champs Water Company (Champs) and Midway Water Utilities, Inc. (Midway) (collectively, Applicants) filed an application for approval of the sale, transfer, or merger of facilities and certificate rights in Harris and Montgomery Counties. Midway seeks approval to acquire facilities from and to transfer all of Champs' water and sewer service area under Champs' water Certificate of Convenience and Necessity (CCN) Nos. 10972 and sewer CCN No. 20385, to Midway's water CCN No. 10972 and sewer CNN No. 20385. On August 3, 2020, August 4, 2020, August 10, 2020, August 18, 2020, September 23, 2020, and September 24, 2020, Applicants filed supplements to the application.

On September 8, 2020, the administrative law judge (ALJ) filed Order No. 5, which found the application administratively complete, ordered Applicants to issue notice, and set a deadline of October 15, 2020 for Staff to file its recommendation on the sufficiency of notice. Therefore, this pleading is timely filed.

II. SUFFICIENCY OF NOTICE

Staff has reviewed the proof of notice filed by Applicants on September 23, 2020, as well as the supplement filed on September 24, 2020, and recommends that the notice be found sufficient. Applicants filed an affidavit attesting that notice was provided to current customers,

18

neighboring utilities, and affected parties on September 18, 2020. Applicants also filed a copy of the notice and a link to all maps, along with a list of persons that received notice, consistent with Staff's Supplemental Recommendation on Administrative Completeness and Proposed Procedural Schedule and accompanying memorandum filed on September 3, 2020. Staff is satisfied that proper notice has been sent to current customers, neighboring utilities, and affected parties; therefore, Staff recommends that notice be found sufficient under 16 Texas Administrative Code § 24.239(c).

III. PROPOSED PROCEDURAL SCHEDULE

In accordance with Staff's sufficiency recommendation, Staff proposes that the following procedural schedule be adopted for further processing of this docket:

Event	Date
Notice completed	September 18, 2020
Deadline for intervention	October 19, 2020 ¹
Deadline for Staff to request a hearing or file a recommendation on approval of the sale and CCN amendment	November 2, 2020
Deadline for parties to file a response to Staff's recommendation	November 16, 2020
120-day deadline for the Commission to approve the sale or require a hearing	January 16, 2021 ²

IV. CONCLUSION

For the reasons detailed above, Staff respectfully recommends that Applicants' notice be found sufficient and that the proposed procedural schedule above be adopted.

¹ In accordance with 16 TAC § 24.239(b) The intervention period for this application must not be less than 30 days from the date notice is completed. Therefore, the intervention deadline would be October 18, 2020; however, the Commission will be closed on Sunday, October 18, 2020. Pursuant to 16 TAC § 22.4(a), when the last day of a designated period is a day the Commission is not open for business, the designated period runs until the end of the next day on which the Commission is open for business. That date will be October 19, 2020.

² Pursuant to 16 TAC § 24.239(a) and (j), the deadline for Commission action is 120 days after the mailing or publication of notice, whichever occurs later. One hundred and twenty days after September 18, 2020 is January 16, 2021.

Dated: October 15, 2020

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Rachelle Nicolette Robles
Division Director

Heath Armstrong
Managing Attorney

/s/ Justin C. Adkins
Justin C. Adkins
State Bar No. 24101070
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7489
(512) 936-7268 (facsimile)
Justin.Adkins@puc.texas.gov

**DOCKET NO. 50895
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 October 15, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Justin C. Adkins
Justin C. Adkins