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**DOCKET NO. 50927**

FILED  
2021 FEB 12 PM 2:13  
PUBLIC UTILITY COMMISSION  
FILING CLERK

<b>PETITION OF THE CITY OF</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>MESQUITE AND TALTY SPECIAL</b>	<b>§</b>	
<b>UTILITY DISTRICT FOR APPROVAL</b>	<b>§</b>	<b>OF TEXAS</b>
<b>OF A SERVICE AREA CONTRACT</b>	<b>§</b>	
<b>UNDER TEXAS WATER CODE</b>	<b>§</b>	
<b>§ 13.248 AND TO AMEND</b>	<b>§</b>	
<b>CERTIFICATES OF CONVENIENCE</b>	<b>§</b>	
<b>AND NECESSITY IN KAUFMAN</b>	<b>§</b>	
<b>COUNTY</b>	<b>§</b>	

**COMMISSION STAFF'S SECOND SUPPLEMENTAL RECOMMENDATION ON  
ADMINISTRATIVE COMPLETENESS, NOTICE, AND PROPOSED PROCEDURAL  
SCHEDULE**

On June 15, 2020, the City of Mesquite (Mesquite) and Talty Special Utility District (Talty SUD) (collectively, Petitioners) filed a petition for approval of a service area contract under Texas Water Code (TWC) § 13.248 and to amend water Certificates of Convenience and Necessity (CCN) in Kaufman County. Specifically, the Petitioners seek to amend Mesquite's water CCN number 10060 and Talty's CCN water CCN number 10850. The requested area totals approximately 131 acres in Kaufman County and contains 23 customer connections.

On December 15, 2020, the administrative law judge (ALJ) filed Order No. 4, establishing a deadline of February 12, 2021 for Staff to file a supplemental recommendation on the administrative completeness of the application, along with a proposed procedural schedule, if appropriate. Therefore, this pleading is timely filed.

**I. ADMINISTRATIVE COMPLETENESS**

Staff has reviewed the petition and supplemental filings and, as detailed in the attached memorandum of Jolie Mathis, Infrastructure Division, recommends that it be found administratively complete and sufficient for processing. Staff does not address the merits of the petition at this time.

**II. NOTICE**

Staff recommends that notice be deemed sufficient. Under 16 TAC § 24.253(c)(2), if a regulatory authority's board decides to enter into a contract at a duly posted meeting, then the

meeting agenda and minutes of the meeting can serve as notice. The meeting agendas and minutes for the applicable Mesquite and Talty SUD meetings were filed as notice of the petition. Affidavits attesting to notice, signed by representatives from both Mesquite and Talty SUD, were also filed with the petition. Furthermore, on December 21, 2020, Petitioners submitted a list of affected customers, copies of the individual notice provided by mail to affected customers, as well as affidavits attesting to the date notice was provided as required by 16 TAC § 24.253(c)(3).

### **III. PROPOSED PROCEDURAL SCHEDULE**

Staff proposes the following procedural schedule for further processing of this docket:

<b>Event</b>	<b>Deadline</b>
Deadline for Staff to provide final maps, certificates, and tariffs (if applicable) to Petitioners for review and consent	March 26, 2021
Deadline for Petitioners to file signed consent forms with the Commission	April 9, 2021
If no hearing is requested, deadline for Staff to file a final recommendation on the petition	April 23, 2021
If no hearing is requested, deadline for the parties to file joint proposed findings of fact and conclusions of law	May 7, 2021

### **IV. CONCLUSION**

On the above basis, Staff respectfully recommends that the petition be found administratively complete, notice be deemed sufficient, the proposed procedural schedule above be adopted, and that an order be entered consistent with these recommendations.

Dated: February 12, 2021

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF  
TEXAS LEGAL DIVISION**

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**DOCKET NO. 50927  
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 February 12, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Justin C. Adkins  
Justin C. Adkins

# *Public Utility Commission of Texas*

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## **Memorandum**

**TO:** Justin Adkins, Attorney  
Legal Division

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

**DATE:** February 12, 2021

**RE:** **Docket No. 50927:** *Petition of City of Mesquite and Talty Special Utility District for Approval of a Service Area Contract Under Texas Water Code § 13.248 and to Amend Certificates of Convenience and Necessity in Kaufman County*

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On June 15, 2020, the City of Mesquite (Mesquite) and Talty Special Utility District (Talty SUD) (collectively, Petitioners) filed a petition for approval of a contract designating Certificate Convenience and Necessity (CCN) service areas under Texas Water Code (TWC) § 13.248. Specifically, Petitioners seek to amend Mesquite's water CCN No. 10060 and Talty SUD's CCN No. 10850 in Kaufman County, Texas. The Petitioners' TWC § 13.248 service area contract is being reviewed in accordance with 16 Texas Administrative Code (TAC) § 24.253.

The Petitioners filed an agreement requesting Talty SUD be permitted to transfer a portion of its water service area under CCN No. 10850 to Mesquite's CCN No. 10060. Specifically, Mesquite and Talty SUD entered into a contractual agreement which permits Mesquite to provide water services within the agreed upon water service area. The Petitioners will transfer assets and facilities under the terms of the agreement. The water service area the Petitioners contracted to transfer consists of approximately 131 acres and 23 customers.

The Petitioners submitted documentation with the petition which partially satisfied the notice requirements under 16 TAC § 24.253(c). Specifically, Mesquite and Talty SUD submitted copies of their meeting minutes approving the agreement and agendas that were posted prior to each of their meetings. Both Petitioners also provided affidavits attesting to the date notice was posted and the dates that the respective meetings approving the agreement transpired.

On December 21, 2020, the Petitioners submitted additional documentation to satisfy the notice requirements under 16 TAC § 24.253(c). Specifically, Mesquite submitted copies of the individual notice provided to the affected customers by mail. Mesquite also provided affidavits

attesting to the date notice was provided and copies of the notice that was sent. Therefore, Staff recommends that the Petitioners' provision of notice is sufficient.

Mapping Staff has reviewed the mapping information and recommends the petition be deemed administratively complete and sufficient for filing.