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**DOCKET NO. 51005**

**APPLICATION OF OLAN JOHNSON §  
DBA NORTH UNIVERSITY ESTATES §  
WATER COMPANY AND §  
INTERMEDIARY SOLUTIONS §  
HOLDING, LLC FOR SALE, §  
TRANSFER, OR MERGER OF §  
FACILITIES AND CERTIFICATE §  
RIGHTS IN LUBBOCK COUNTY §**

**PUBLIC UTILITY COMMISSION  
OF TEXAS**

**COMMISSION STAFF'S COMMENTS ON 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 Response to Order No. 5. In support thereof, Staff shows the following:

**I. BACKGROUND**

On July 6, 2020, Olan Johnson dba North University Estates Water Company (Olan Johnson) and Intermediary Solutions Holding, LLC (ISH) (collectively, Applicants) filed an application for approval of the sale, transfer, or merger of facilities and certificate rights in Lubbock County. ISH seeks approval to acquire facilities and to transfer Olan Johnson's water service area held under Certificate of Convenience and Necessity (CCN) No. 12179. The requested area includes approximately 140 acres and 192 connections. On August 25, 2020, Applicants filed a supplement to the application.

On November 13, 2020, the administrative law judge (ALJ) filed Order No. 5, requiring Staff to file comments addressing whether Staff is recommending the applicants be required to publish notice under 16 Texas Administrative Code (TAC) § 24.239(c)(3) and if a waiver under 16 TAC § 24.239(c)(4) is warranted by September 20, 2020. Since Order No. 5 was filed on November 13, 2020, Staff assumes the ALJ wanted Staff to respond by November 20, 2020. Thus, Staff responds promptly.

**II. STAFF'S RESPONSE**

Staff has reviewed the application, as supplemented, and determined that the requested area does not contain unserved area. Staff recommends that the Applicants should not be required to publish notice in a newspaper of general circulation in Lubbock county. Staff

recommended that the applicants publish notice in a newspaper of general circulation because the Applicants did not request waiver of newspaper notice prior to the November 10, 2020 filing. Because the Applicants have requested waiver of newspaper publication, have shown that the costs of newspaper publication would be prohibitive, and the requested area does not contain unserved area, Staff recommends that a waiver under 16 TAC § 24.239(c)(4) is warranted.

#### **IV. CONCLUSION**

Staff respectfully recommends that a waiver under 16 TAC § 24.239(c)(4) is warranted.

Dated: November 20, 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 via electronic mail on November 20, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Kourtnee Jinks  
Kourtnee Jinks