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**DOCKET NO. 51036**

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PUBLIC UTILITY COMMISSION  
OF TEXAS  
FILED CLERK

**APPLICATION OF KATHIE LOU §  
DANIELS DBA WOODLANDS WEST §  
AND CSWR TEXAS UTILITY §  
OPERATING COMPANY, LLC FOR §  
SALE, TRANSFER, OR MERGER OF §  
FACILITIES AND CERTIFICATE §  
RIGHTS IN BURLESON COUNTY §**

**PUBLIC UTILITY COMMISSION  
OF TEXAS**

**COMMISSION STAFF’S AMENDED RECOMMENDATION  
ON SUFFICIENCY OF NOTICE**

On July 10, 2020, Kathie Lou Daniels dba Woodlands West (Woodlands West) and CSWR-Texas Utility Operating Company, LLC (CSWR-Texas) (collectively, Applicants) filed an application for approval of the sale, transfer, or merger of facilities in Burleson County. Supplemental application materials were filed on July 14 and 27, 2020 and August 13, 2020.

On November 16, 2020, the administrative law judge (ALJ) filed Order No. 6, establishing a deadline of December 31, 2020, for the Staff (Staff) Public Utility Commission of Texas (Commission) to file a recommendation on the sufficiency of notice. Staff timely filed a recommendation on notice on December 31, 2020. Order No. 7, filed on January 5, 2021, found CSWR-Texas’ notice sufficient and established a deadline of February 3, 2021 for Staff to request a hearing or file a recommendation on approval of the sale and on the CCN amendment. In preparing the recommendation on the approval of the sale, Staff realized that CSWR-Texas did not provide proof of notice by publication. Therefore, Staff is filing this amended recommendation on sufficiency of notice in lieu of filing a recommendation on the approval of the sale.

**I. AMENDED SUFFICIENCY OF NOTICE**

Staff recommended that notice be found sufficient on December 31, 2020, and notice was found sufficient in Order No. 7 issued on January 5, 2021. Upon further review of the record, Staff revises its recommendation. Staff has re-reviewed the proof of notice filed by CSWR-Texas on December 15 and 16, 2020 and recommends that the notice be found insufficient. Order No. 6 directed the Applicants to provide notice of the application and proof of notice in the manner and form described in Patricia Garcia's memorandum dated November 5, 2020. Ms. Garcia’s

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memorandum directed the Applicants to publish notice in a newspaper having general circulation in the county where the requested area is located, once each week for two consecutive weeks in addition to providing notice by mail to all current customers, neighboring utilities, and affected parties.

The Applicants filed the affidavit of Josiah Cox, President of CSWR-Texas, attesting that on December 3, 2020 notice was provided to all current customers, neighboring utilities, and affected parties. Included with the filing was a copy of the notice and maps provided along with a list of notice recipients. This filing met the requirement of providing notice by mail to all current customers, neighboring utilities, and affected parties. However, to date the Applicants have not filed proof that notice was published for two consecutive weeks in a newspaper having general circulation in the county where the requested area is located. Such notice is required because Woodlands West currently holds an exempt utility registration, which means the requested area is uncertificated area. Therefore, Staff recommended notice by newspaper publication and notice to owners of tracts of land that are at least 25 acres and wholly or partially located in the requested areas as required by 16 TAC § 24.235(b)(2) and (c).

Staff recommends that notice be found insufficient and that the Applicants be directed to provide newspaper notice and notice to owners of tracts of land that are 25 acres or more using the notices filed with Ms. Garcia’s November 5, 2020 memorandum. Staff further recommends that the Applicants file proof of notice using the affidavits provided by Ms. Garcia along with copies of the notices that were mailed and published, a copy of the map provided with the notice to landowners, and copies of the newspaper tear sheets.

**II. PROCEDURAL SCHEDULE**

In accordance with Staff’s amended sufficiency recommendation, Staff proposes the following procedural schedule:

Event	Date
Deadline for Applicants to file with the Commission signed affidavits that notice was published in a newspaper of general circulation and mailed to owners of tracts of at least 25 acres.	March 2, 2021
Deadline for Staff to file a supplemental	March 16, 2021

recommendation on sufficiency of notice	
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**III. CONCLUSION**

Staff respectfully requests the entry of an order finding the Applicants' notice insufficient and adopting the proposed procedural schedule.

Date: February 3, 2021

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

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/s/ John Harrison

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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 February 3, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ John Harrison

John Harrison