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DOCKET NO. 51048

**APPLICATION OF PERRIN WATER §
SYSTEMS, INC. AND PATTERSON §
WATER SUPPLY CORPORATION FOR §
SALE, TRANSFER, OR MERGER OF §
FACILITIES AND CERTIFICATE §
RIGHTS IN JACK COUNTY §**

**PUBLIC UTILITY COMMISSION
OF TEXAS**



**COMMISSION STAFF'S RECOMMENDATION ON SUFFICIENCY OF NOTICE AND
PROPOSED PROCEDURAL SCHEDULE**

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and in response to Order No. 2, files this Recommendation on Sufficiency of Notice and Proposed Procedural Schedule. Staff recommends that notice of the application is incomplete at this time. In support thereof, Staff shows the following:

I. BACKGROUND

On July 14, 2020, Patterson Water Supply Corporation (Patterson) and Perrin Water Systems, Inc. (Perrin) (collectively, Applicants) filed an application for approval of the sale, transfer, or merger (STM) of facilities and certificate rights in Jack County, Texas pursuant to Texas Water Code (TWC) § 13.301 and 16 Texas Administrative Code (TAC) § 24.239. Specifically, Patterson, water Certificate of Convenience and Necessity (CCN) No. 13248, seeks approval to acquire facilities and to transfer all of Perrin's service area under water CCN No. 12196 to Patterson's CCN. The requested area includes approximately 163 acres and 129 connections.

On August 17, 2020, the Administrative Law Judge (ALJ) issued Order No. 2, establishing a deadline of September 28, 2020, for Staff to file a recommendation on sufficiency of notice. Order No. 2 also directed the Applicants to provide notice of the application and proof of notice in the manner described in Jolie Mathis' August 13, 2020 memorandum.

On September 16, 2020, Patterson filed an affidavit attesting to the provision of notice to affected parties and a mailing list detailing the current customers, neighboring utilities, and other affected parties that received the notice.

In accordance with the September 28, 2020 deadline established in Order No. 2, this pleading is timely filed.

II. SUFFICIENCY OF NOTICE

Staff has reviewed Patterson's notice and mailing list and recommends that notice is insufficient at this time. Order No. 2 required the Applicants to provide notice as detailed in Staff's August 13, 2020 memorandum. The memorandum recommended the use of an attached notice form, as well as the provision of a map of the requested area sent with each individual notice. Patterson's September 16, 2020 filing did not include a copy of the notice or map mailed on August 18, 2020.

Therefore, Staff recommends that the Applicants file a copy of the notice and map that were provided to all affected parties on August 18, 2020. If a map was not provided, Staff recommends that the Applicants re-notice all affected parties to provide the map and file a new affidavit of notice and supporting documentation.

III. AMENDED PROPOSED PROCEDURAL SCHEDULE

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

Event	Date
Deadline for Applicants to file with the Commission a copy of the notice and map sent to the affected parties	October 8, 2020
Deadline for Staff to file a supplemental recommendation on sufficiency of notice	October 15, 2020
Deadline to intervene	Thirty (30) days after notice is issued

IV. REQUEST TO RESTYLE THE DOCKET

Staff requests that this docket be restyled as *Application of Perrin Water Systems, Inc. and Patterson Water Supply, LLC for Sale, Transfer, or Merger of Facilities and Certificate Rights in Jack County* to reflect that the transferee is an investor-owned utility. The current styling indicates that the transferee is a non-profit water supply corporation. However, the Commission's water utility database shows that CCN No. 13248 is held by a limited liability company called Patterson Water Supply, LLC.

V. CONCLUSION

For the reasons detailed above, Staff recommends that the notice be deemed insufficient, that the Applicants be ordered to cure the deficiencies described above, that the proposed procedural schedule be adopted, and that this docket be restyled as indicated.

Dated: September 28, 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 September 28, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Justin C. Adkins
Justin C. Adkins