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**APPLICATION OF WHISPERING
OAKS WATER WORKS AND
MIBROMA 3 LLC FOR SALE,
TRANSFER, OR MERGER OF
FACILITIES AND CERTIFICATE
RIGHTS IN GILLESPIE COUNTY**

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**PUBLIC UTILITY COMMISSION
OF TEXAS**

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**COMMISSION STAFF'S SUPPLEMENTAL RECOMMENDATION ON SUFFICIENCY
OF NOTICE**

On August 19, 2020, MiBroMa 3 LLC (MiBroMa) and Whispering Oaks Water Works (Whispering Oaks) (collectively, Applicants) filed an application for approval of the sale, transfer, or merger of facilities and certificate rights in Gillespie County. Specifically, Whispering Oaks seeks to sell and transfer all of its facilities and water service area under Certificate of Convenience and Necessity (CCN) number 12446 to MiBroMa; MiBroMa will retain CCN number 12446. The requested area includes approximately 51 acres and 69 connections. Applicants filed supplemental proof of notice on March 22, 2021 and April 19, 2021.

On March 12, 2021, the administrative law judge filed Order No. 5, which found Applicants' proof of notice deficient, ordered Applicants to issue supplemental notice, and set a deadline of April 22, 2021 for the Staff of the Public Utility Commission of Texas (Staff) to file its supplemental recommendation on sufficiency of notice. Therefore, this pleading is timely filed.

I. SUFFICIENCY OF NOTICE

Staff has reviewed the supplemental proof of notice filed by Applicants and recommends that it be found insufficient. As explained in Staff's recommendation on sufficiency of notice filed on March 11, 2021, Alicia Maloy's memorandum, filed on January 29, 2021, stated that a copy of the maps delineating the requested area that were deemed sufficient should be sent out with the notice. The maps Applicants attached to the affidavit of notice are not the maps that were found to be sufficient. The supplemental mapping filed on August 25, 2020 provided the sufficient maps that should have accompanied the notice documents. Therefore, Staff recommends that Applicants be ordered to re-issue notice to all affected parties and customers using the maps filed by Applicants on August 25, 2020.

Finally, in Applicants April 19, 2021 supplemental notice filing, banking information was included in the copy of proof of notice. Staff notes that under 16 Texas Administrative Code § 24.239(c), banking information is not required to be mailed to affected parties and customers.

II. PROCEDURAL SCHEDULE

Staff recommends that notice be found insufficient; therefore, Staff proposes the following procedural schedule:

Event	Date
Deadline for Applicants to file proof that notice was issued in compliance with 16 TAC § 24.239(c)	May 13, 2021
Deadline for Staff to file a second supplemental recommendation on sufficiency of notice	May 25, 2021

III. CONCLUSION

For the reasons detailed above, Staff respectfully recommends that notice be found insufficient and that Applicants be ordered to provide notice to all customers, affected parties, and affected entities using the maps filed on August 25, 2021 and deemed sufficient. Staff also recommends that the proposed procedural schedule be adopted.

Dated: April 22, 2021

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 April 22, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Daniel Moore
Daniel Moore