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DOCKET NO. 51192

**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**

2021 MAY 25 AM 9:40

**COMMISSION STAFF'S SECOND 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 April 28 and 29, 2021 and May 19 and 20, 2021.

On April 26, 2021, the administrative law judge filed Order No. 6, which continued to find Applicants' proof of notice deficient, ordered Applicants to issue supplemental notice, and set a deadline of May 25, 2021 for the Staff of the Public Utility Commission of Texas (Staff) to file its second supplemental recommendation on sufficiency of notice. Therefore, this pleading is timely filed.

I. SUFFICIENCY OF NOTICE

Staff has reviewed the proof of notice filed by Applicants on April 28 and 29, 2021 and May 19 and 20, 2021, and recommends that the notice be found sufficient. Applicants filed an affidavit attesting to the provision of notice to current customers, neighboring utilities, and affected parties. Applicants also filed a copy of the notice and maps, along with a list of persons and entities who received notice, consistent with Staff's January 29, 2021 Second Supplemental Recommendation on Administrative Completeness. The list of persons that received notice filed on April 29, 2021, did not include the Lower Colorado River Authority. On May 19, 2021, Applicants filed documentation showing that notice had been sent to LCRA. Therefore, Staff

recommends that Applicants' notice be deemed sufficient under 16 Texas Administrative Code § 24.239(c).

II. PROCEDURAL SCHEDULE

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

Event	Date
Notice completed	May 19, 2021
Deadline to intervene	June 18, 2021 ¹
Deadline for Staff to request a hearing or file a recommendation on approval of the sale and on the CCN amendment	July 19, 2021
Deadline for parties to file a response to Staff's recommendation on approval of the sale	August 2, 2021
Deadline for parties to file a joint motion to admit evidence and proposed order approving sale and allowing transaction to proceed.	August 16, 2021
120-day deadline for the Commission to approve the sale or require a hearing	September 16, 2021 ²

III. CONCLUSION

For the reasons stated above, Staff respectfully recommends that notice be found sufficient and that the proposed procedural schedule be adopted.

¹ Under 16 TAC § 24.239(b), the intervention period shall not be less than 30 days unless good cause is shown. Notice was completed on May 19, 2021, and June 18, 2021 is 30 days later.

² Under 16 TAC § 24.239(a) and (j), the deadline for Commission action is 120 days after the mailing or publication of notice, whichever occurs later. One hundred and twenty days after May 19, 2021 is Thursday, September 16, 2021.

Dated: May 25, 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 May 25, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Daniel Moore
Daniel Moore