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DOCKET NO. 51454

APPLICATION OF AQUA UTILITIES, INC. AND AQUA TEXAS, INC. FOR SALE, TRANSFER, OR MERGER OF FACILITIES AND CERTIFICATE RIGHTS IN VICTORIA COUNTY §
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PUBLIC UTILITY COMMISSION OF TEXAS

COMMISSION STAFF'S RECOMMENDATION ON SUFFICIENCY OF NOTICE

On October 22, 2020, Aqua Texas, Inc. (Aqua Texas) and Aqua Utilities, Inc. (Aqua Utilities) (collectively, Applicants) filed an application for approval of the sale and transfer of certificate of convenience and necessity (CCN) rights in Victoria County. Aqua Texas seeks approval to acquire facilities and to transfer all of Aqua Utilities' service area under water CCN No. 11157 and sewer CCN No. 20453. The requested area includes approximately 174 acres and 75 connections.

On January 22, 2021, the administrative law judge filed Order No. 3, establishing a deadline of March 4, 2021 for Staff to file a recommendation on the sufficiency of notice. Therefore, this pleading is timely filed.

I. SUFFICIENCY OF NOTICE

Staff has reviewed the proof of notice submitted by Applicants and recommends that it be found sufficient under 16 Texas Administrative Code (TAC) § 24.239. On March 2, 2021, Applicants filed proof that notice and maps were mailed to the persons and entities identified in Staff's recommendation filed on November 3, 2020 using the notices provided by Staff.

II. PROPOSED PROCEDURAL SCHEDULE

Staff proposes the following procedural schedule for the continued processing of this application:

Event	Date
Notice completed	January 29, 2021

Deadline to intervene	March 1, 2021 ¹
Deadline for Commission Staff to request a hearing or file a recommendation on approval of the sale and on the CCN amendment	March 26, 2021
Deadline for parties to file a response to Staff's recommendation on approval of the sale	April 5, 2021
Deadline for parties to file a joint motion to admit evidence and proposed order approving sale and allowing transaction to proceed.	April 19, 2021
120-day deadline for the Commission to approve the sale or require a hearing	May 3, 2021 ²

III. CONCLUSION

For the reasons discussed above, Staff respectfully requests that Applicants' notice be found sufficient and that the proposed procedural schedule be adopted for further processing of this docket.

¹ Under 16 TAC § 24.239(b), the intervention period shall not be less than 30 days unless good cause is shown. Notice was mailed on January 29, 2021. Therefore, 30 days after January 29, 2021 is February 28, 2021. February 28, 2021 falls on a Sunday, which pushes the intervention deadline to March 1, 2021 under 16 TAC § 22.4(a).

² Under 16 TAC § 24.239(a) and (i), the deadline for Commission action is 120 days after the mailing or publication of notice, whichever occurs later. One hundred and twenty days after January 29, 2021 is May 29, 2021. Because May 29, 2021 falls on a Saturday, the deadline for Commission action is Monday, May 31, 2021 under 16 TAC § 22.4(a).

Dated: March 4, 2021

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Rachelle Nicolette Robles
Division Director

Eleanor D'Ambrosio
Managing Attorney

/s/ Merritt Lander
Merritt Lander
State Bar No. 24106183
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7290
(512) 936-7268 (facsimile)
Merritt.Lander@puc.texas.gov

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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 on March 4, 2021 in accordance with the Order Suspending Rules filed in Project No. 50664.

/s/ Merritt Lander
Merritt Lander