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DOCKET NO. 51801

**APPLICATION OF THE CITY OF §
SCHERTZ TO AMEND ITS SEWER §
CERTIFICATE OF CONVENIENCE §
AND NECESSITY IN COMAL COUNTY §**

**PUBLIC UTILITY COMMISSION
OF TEXAS**

2021 FEB 28 AM 9:10

COMMISSION STAFF'S RECOMMENDATION ON THE SUFFICIENCY OF NOTICE

On February 8, 2021, the City of Schertz (Schertz) filed an application to amend its sewer Certificate of Convenience and Necessity (CCN) number 20271 in Comal County, Texas under Texas Water Code (TWC) §§ 13.242-13.250 and 16 Texas Administrative Code (TAC) §§ 24.225-24.237. Schertz filed supplemental information on February 11, 2021 and March 16, 2021.

On May 11, 2021, the administrative law judge (ALJ) filed Order No. 3, ordering the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a recommendation on the sufficiency of notice and propose a supplemental procedural schedule by June 28, 2021. Therefore, this pleading is timely filed.

I. SUFFICIENCY OF NOTICE

Staff has reviewed the notice documentation filed by Schertz on June 18, 2021. Schertz filed an *Affidavit of Notice to Current Customers, Neighboring Utilities and Affected Parties* indicating that notice of the application was mailed to the entities identified in the affidavit on June 8, 2021. Schertz filed the affidavit, map, and copy of notice in the docket within thirty (30) days of the date of notice. However, Schertz did not indicate whether there were any landowners wholly or partially in the requested area with 25 or more acres of land. If there are no landowners that have 25 acres of land wholly or partially in the requested area, Staff recommends that Schertz be ordered to file a memorandum stating there are none. If there are any such landowners, Staff recommends that Schertz be ordered to notice those landowners and provide proof of notice to those landowners.

Schertz' filing also included a publisher's affidavit showing that notice was published in the *SAE Express-News*, a newspaper of general circulation in Bexar County, on June 9, 2021 and June 16, 2021. Schertz filed the publisher's affidavit in the docket within thirty (30) days of the date of notice. Therefore, Staff recommends that publication notice is sufficient.

Staff has reviewed Schertz's proof of notice filing and recommends that Schertz be required to provide clarification on notice to landowners owning more than 25 acres. Staff found no other deficiencies with notice.

II. PROCEDURAL SCHEDULE

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

Event	Date
Deadline for Schertz to file with the Commission supplemental information regarding proof of notice	July 12, 2021
Deadline for Staff to file a supplemental recommendation on sufficiency of notice and propose a supplemental procedural schedule	July 26, 2021
Deadline to intervene	Thirty (30) days after notice is issued

III. CONCLUSION

For the reasons detailed above, Staff recommends that Schertz be ordered to provide clarification on notice to landowners owning more than 25 acres.

Dated: June 28, 2021

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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/s/ Robert Dakota Parish
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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 June 28, 2021 in accordance with the Order Suspending Rules filed in Project No. 50664.

/s/ Robert Dakota Parish
Robert Dakota Parish