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DOCKET NO. 51801

APPLICATION OF THE CITY OF	§	PUBLIC UTILITY COMMISSION
SCHERTZ TO AMEND ITS SEWER	§	
CERTIFICATE OF CONVENIENCE	§	OF TEXAS
AND NECESSITY IN COMAL COUNTY	§	

**COMMISSION STAFF'S SECOND SUPPLEMENTAL 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 August 9, 2021, the administrative law judge (ALJ) filed Order No. 6, ordering the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a supplemental recommendation on the sufficiency of notice and propose a supplemental procedural schedule by September 10, 2021. Therefore, this pleading is timely filed.

I. SUFFICIENCY OF NOTICE

Staff has reviewed the notice documentation filed by Schertz on June 18, 2021 and June 28, 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 a second *Affidavit of Notice to Current Customers, Neighboring Utilities and Affected Parties* on June 28, 2021 indicating that notice of the application was mailed to landowners on June 28, 2021. Schertz filed the affidavit, map, and copy of notice in the docket within thirty (30) days of the date of notice.

Schertz also filed a supplemental publisher's affidavit on August 11, 2021, showing that notice was published in the *SAE Express-News*, a newspaper of general circulation in Comal 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' proof of notice and recommends that Schertz provided notice in accordance with Staff's Supplemental Recommendation on Administrative Completeness and

Proposed Notice filed on May 10, 2021. Therefore, Staff recommends that Schertz' notice of the application be deemed sufficient.

II. PROCEDURAL SCHEDULE

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

Event	Date
Deadline to Intervene	July 28, 2021 ¹
Deadline for Staff to provide final maps, certificates, and tariffs (if applicable), to the applicant for review and consent	October 15, 2021
Deadline for Schertz to file signed consent forms with the Commission	October 29, 2021
If no hearing is requested, deadline for Staff to file a final recommendation on the application	November 5, 2021
If no hearing is requested, deadline for the parties to file joint proposed findings of fact and conclusions of law	November 19, 2021

III. CONCLUSION

For the reasons detailed above, Staff respectfully recommends that Schertz notice be deemed sufficient.

¹ Under 16 TAC § 24.235(a)(3), the intervention period is 30 days from the mailing or publication of notice, whichever occurs later, unless otherwise provided by the presiding officer. Notice was mailed on June 18, 2021 and June 28, 2021 and published on June 9, 2021 and June 16, 2021. Therefore, 30 days after June 28, 2021 is July 28, 2021.

Dated: September 10, 2021

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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DOCKET NO. 51801

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 September 10, 2021 in accordance with the Order Suspending Rules filed in Project No. 50664.

/s/ Robert Dakota Parish
Robert Dakota Parish