



## Filing Receipt

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<b>APPLICATION OF THE CITY OF</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>MIDLOTHIAN TO AMEND ITS WATER</b>	<b>§</b>	
<b>CERTIFICATE OF CONVENIENCE AND</b>	<b>§</b>	<b>OF TEXAS</b>
<b>NECESSITY IN ELLIS COUNTY</b>	<b>§</b>	

**COMMISSION STAFF’S RECOMMENDATION ON SUFFICIENCY OF NOTICE**

On March 2, 2021, the City of Midlothian (Midlothian) filed an application to amend its water certificate of convenience and necessity (CCN) No. 11706 and to decertify a portion of Mountain Peak Special Utility District’s water CCN No. 10908 in Ellis County, Texas. The requested service area consists of 201 customer connections and approximately 53 acres.

On September 28, 2021 the administrative law judge filed Order No. 5, setting a deadline of November 19, 2021 for the Staff of the Public Utility Commission of Texas (Staff) to file a recommendation on the sufficiency of Midlothian’s notice. Therefore, this pleading is timely filed.

**I. RECOMMENDATION ON NOTICE**

Order No. 5 required Midlothian to provide proof of notice of the application. On October 29, 2021, Midlothian filed publication, notices, and affidavits to provide proof of the notice provided for this matter. Specifically, Mike Adam, Executive Director of Engineering & Utilities, filed a signed and sworn affidavit dated October 7, 2021 indicating that landowners, customers, and other entities listed in Ms. Garcia’s memorandum were mailed notice on October 7, 2021. In addition, Midlothian provided a copy of its publication and a publisher’s affidavit indicating that notice was published in the *Midlothian Mirror*, a newspaper of general circulation in Ellies County on October 7 and 14, 2021. Finally, Midlothian provided a list of persons to whom notice was mailed. On November 12, 2021, Midlothian filed proof that Midlothian MMD 3 is inactive and therefore not required to receive service. Staff has reviewed the above-described proof of notice and documentation filed by Midlothian and recommends that the notice documents provided are sufficient and fulfill the notice requirements in this matter.

## II. PROCEDURAL SCHEDULE

Staff recommends that the notice be found sufficient. Therefore, Staff proposes the following procedural schedule for the continued processing of this application:

<b>Event</b>	<b>Date</b>
Notice completed	<i>October 14, 2021</i>
Deadline for intervention	<i>November 14, 2021<sup>1</sup></i>
Deadline for Staff to provide final maps, certificates, and tariffs (if applicable), to Pink Hill WSC for review and consent	<i>December 13, 2021</i>
Deadline for Pink Hill WSC to file its signed consent form with the Commission	<i>December 27, 2021</i>
If no hearing is requested, deadline for Staff to file a final recommendation on the application	<i>January 3, 2021</i>
If no hearing is requested, deadline for parties to file joint proposed findings of fact and conclusions of law	<i>January 10, 2021</i>

## III. CONCLUSION

For the reasons discussed above, Staff respectfully recommends that Midlothian's notice be deemed sufficient and requests that an order be filed consistent with the above recommendation.

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<sup>1</sup> Pursuant to 16 TAC § 24.235(a)(3), the intervention deadline is 30 days after the mailing or publication of notice, whichever occurs later. Notice was mailed on October 7, 2021 and published on October 7 and October 14, 2021. Thirty days after October 14, 2021 is Saturday, November 13, 2021, which is a day the Commission is not open for business. The next day upon which the Commission is open for business is Monday, November 14, 2021. Therefore, the intervention deadline is November 14, 2021 under 16 TAC §22.4(a).

Date: November 19, 2021

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Rachelle Nicolette Robles  
Division Director

*/s/ Kevin R. Bartz* \_\_\_\_\_

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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 November 19, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

*/s/ Kevin R. Bartz*

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Kevin R. Bartz