



Control Number: 51870



Item Number: 114

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DOCKET NO. 51870

**APPLICATION OF FOREST GLEN
UTILITY COMPANY TO AMEND ITS
SEWER CERTIFICATE OF
CONVENIENCE AND NECESSITY IN
MEDINA COUNTY**

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**PUBLIC UTILITY COMMISSION
OF TEXAS**

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FILED
CLERK

**COMMISSION STAFF'S SUPPLEMENTAL RECOMMENDATION ON SUFFICIENCY
OF NOTICE AND PROPOSED PROCEDURAL SCHEDULE**

On March 4, 2021, Forest Glen Utility Company (Forest Glen) filed an application to amend sewer certificate of convenience and necessity (CCN) No. 21070 in Medina County. Forest Glen filed supplemental information on March 5, 2021 and revised mapping on June 8, 2021.

On May 20, 2021, the Staff of the Public Utility Commission of Texas (Staff) filed a recommendation on sufficiency of notice. The same day, Ruth Steinle filed a request to opt out of the area Forest Glen is seeking to add to its CCN. On May 24, 2021, Forest Glen filed a response to Ms. Steinle's opt out request asserting that her property is not located within the 185-acre requested area and that the notices prepared by Staff, and published and mailed by Forest Glen, incorrectly stated that the application would result in the addition of 405 acres to Forest Glen's CCN. In Order No. 3 filed on June 1, 2021, the administrative law judge directed Staff to file a recommendation on sufficiency of notice specifically addressing the discrepancy in the acreage noted by Forest Glen by June 11, 2021. Therefore, this pleading is timely filed.

I. SUPPLEMENTAL RECOMMENDATION ON NOTICE

Staff continues to recommend that Forest Glen's notice is sufficient. After discussions with Forest Glen it has become clear that the mapping information submitted with the application, reviewed by Staff, and deemed sufficient in Order No. 2, included a requested area comprised of 405 acres of uncertificated area. It is also clear that Forest Glen is only seeking to add 185 of those 405 acres to its CCN. Accordingly, Forest Glen has submitted revised mapping that includes the 185-acre area referenced in its original application filed on March 4, 2021. Because this area is smaller than the requested area described in the notice provided by Forest Glen, and is wholly contained within the boundaries of the requested area noticed by Forest Glen, Staff recommends that Forest Glen's notice is sufficient.

However, Staff needs additional time to review Forest Glen's revised mapping for compliance with the requirements of 16 Texas Administrative Code (TAC) § 24.257. Staff also needs time to review the mapping to confirm that Ms. Steinle's property is outside of the 185-acres requested area. As such, Staff has included a deadline for a recommendation on the sufficiency of the revised mapping in the procedural schedule proposed below.

II. PROPOSED PROCEDURAL SCHEDULE

Staff continues to recommend that Forest Glen's notice is sufficient. Therefore, Staff proposes the following procedural schedule for continued processing of this docket:

Event	Date
Notice completed	April 29, 2021
Deadline to intervene	June 1, 2021 ¹
Deadline for Staff to file a recommendation on the sufficiency of Forest Glen's revised mapping	June 25, 2021
Deadline for Staff to provide the final map, certificate, and tariff (if applicable), to Forest Glen for review and consent	July 27, 2021
Deadline for Forest Glen to file signed consent forms with the Commission	August 10, 2021
If no hearing is requested, deadline for Staff to file a final recommendation on the application	August 17, 2021
If no hearing is requested, deadline for parties to file joint proposed findings of fact and conclusions of law	August 24, 2021

III. CONCLUSION

For the reasons detailed above, Staff respectfully recommends that Forest Glen's notice continue to be found sufficient and that the proposed procedural schedule be adopted.

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 April 15, 2021, and published on April 22, 2021, and April 29, 2021. Saturday, May 29, 2021, was the 30th day after April 29, 2021, but the Commission is not open for business on Saturday; the Commission was also closed on Monday, May 31, 2021. Therefore, the intervention deadline was June 1, 2021, under 16 TAC § 22.4(a).

Dated: June 11, 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 June 11, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Eleanor D'Ambrosio
Eleanor D'Ambrosio