



Control Number: 51940



Item Number: 19

Addendum StartPage: 0

DOCKET NO. 51940

2021 JUL 12 AM 9:50  
PUBLIC UTILITY COMMISSION  
OF TEXAS

APPLICATION OF WALNUT BEND §  
WATER SUPPLY AND CSWR-TEXAS §  
UTILITY OPERATING COMPANY, §  
LLC FOR SALE, TRANSFER OR §  
MERGER OF FACILITIES AND §  
CERTIFICATE RIGHTS IN ANGELINA §  
COUNTY §

PUBLIC UTILITY COMMISSION  
OF TEXAS

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

On March 25, 2021, Walnut Bend Water Supply aka Walnut Bend Water System (Walnut Bend) and CSWR-Texas Utility Operating Company, LLC (CSWR Texas) (collectively, Applicants) filed an application for approval of the sale and transfer of certificate of convenience and necessity (CCN) rights in Angelina County. CSWR seeks approval to transfer all of the water service area from Walnut Bend under water CCN No. 12115.

On July 7, 2021, the administrative law judge (ALJ) filed Order No. 4 requiring the Staff of the Public Utility Commission of Texas (Staff) to file a recommendation on sufficiency of the Applicants’ notice on or before July 12, 2021. Therefore, this pleading is timely filed.

**I. RECOMMENDATION ON NOTICE SUFFICIENCY**

The ALJ filed Order No. 2 requiring the Applicants to provide notice of the application as described in the April 26, 2021 memorandum of Jolie Mathis, using the included forms. On May 13, 2021, CSWR Texas filed proof of notice that includes an affidavit indicating that notice was mailed and completed on May 7, 2021. Due to a processing issue, the proof of notice was not made available on the Commission’s interchange until July 6, 2021. CSWR’s filing included the affidavit of Josiah Cox, owner of CSWR Texas, and indicates that notice was provided to all current customers, neighboring utilities, and affected parties via mail on May 7, 2021. Staff has reviewed the proof of notice filed by the Applicants and recommends that the notice and maps provided are sufficient as recommended in Ms. Mathis’ memorandum.

**II. PROCEDURAL SCHEDULE**

Staff recommends that notice is sufficient. Therefore, Staff proposes the following procedural schedule:

Event	Date
Notice completed	<i>May 7, 2021</i>
Deadline to intervene	<i>June 7, 2021<sup>1</sup></i>
Deadline for Staff to request a hearing or file a recommendation on approval of the sale and on the CCN amendment	<i>July 22, 2021</i>
Deadline for parties to file a response to Staff's recommendation on approval of the sale	<i>July 29, 2021</i>
Deadline for parties to file a joint motion to admit evidence and proposed order approving sale and allowing transaction to proceed.	<i>August 12, 2021</i>
120-day deadline for the Commission to approve the sale or require a hearing	<i>September 7, 2021<sup>2</sup></i>

### III. CONCLUSION

For the reasons detailed above, Staff respectfully recommends that the notice provided by the Applicants be deemed sufficient and that the proposed procedural schedule be adopted.

---

<sup>1</sup> Under 16 Tex. Admin. Code (TAC) § 24.239(b), the intervention period shall not be less than 30 days unless good cause is shown. Notice was mailed on May 7, 2021. Therefore, 30 days after May 7, 2021, is June 6, 2021, which is a Sunday. The next business day upon which the Commission is open for business is Monday, June 7, 2021. Therefore, the appropriate deadline for intervention in this matter is June 7, 2021 under 16 TAC § 22.4(a).

<sup>2</sup> 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 May 7, 2021, is September 4, 2021, which is a Saturday. The next business day upon which the Commission is open for business is Tuesday, September 7, 2021. Therefore, the appropriate deadline for Commission action is September 7, 2021 under 16 TAC § 22.4(a).

Dated: July 12, 2021

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Rachelle Nicolette Robles  
Division Director

Eleanor D'Ambrosio  
Managing Attorney

/s/ Kevin R. Bartz  
Kevin R. Bartz  
State Bar No. 24101488  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326  
(512) 936-7203  
(512) 936-7268 (facsimile)  
kevin.bartz@puc.texas.gov

**DOCKET NO. 51359**

**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 July 12, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Kevin R. Bartz  
Kevin R. Bartz