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DOCKET NO. 52132

APPLICATION OF LUMBERTON	§	PUBLIC UTILITY COMMISSION
MUNICIPAL UTILITY DISTRICT TO	§	
AMEND ITS CERTIFICATES OF	§	OF TEXAS
CONVENIENCE AND NECESSITY IN	§	
HARDIN COUNTY	§	

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

On May 17, 2021, Lumberton Municipal Utility District (Lumberton MUD) filed an application to amend its water Certificate of Convenience and Necessity (CCN) No. 10929 in Hardin County. On June 2, 2021, Lumberton MUD filed an amended application.¹ On July 21, 2021, Lumberton MUD filed supplemental information and requested to amend its sewer CCN No. 20367. On July 22, 2021, Lumberton MUD filed supplemental mapping information. On October 5, 2021 and October 13, 2021, Lumberton MUD filed its proof of notice.

On August 26, 2021, the administrative law judge (ALJ) filed Order No. 3, establishing a deadline of October 15, 2021 for the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a recommendation on the sufficiency of notice and to propose a procedural schedule for the further processing of this docket. Therefore, this pleading is timely filed.

I. SUFFICIENCY OF NOTICE

After review and in accordance with Staff's recommendations on proposed notice on August 25, 2021, Staff recommends that Lumberton MUD's notice be found deficient. Specifically, in its proof of notice file on October 5, 2021, Lumberton MUD indicated that it published notice in a newspaper of general circulation on September 25, 2021 and October 2, 2021 in Jefferson County. Lumberton MUD also indicated that it mailed notice to each affected landowner on September 23, 2021. To substantiate those statements, Lumberton MUD included newspaper tear sheets as Attachment A and the notices that were sent to landowners as Attachment B. Subsequently, on October 13, 2021, Lumberton MUD provided the publisher's affidavit, showing that notice had been published in a newspaper of general circulation in Jefferson County.

¹ Order No. 1 required Lumberton MUD to file a revised application because they initially used the form to amend an electric CCN's service area boundary.

For the specific deficiencies, Staff previously recommended that Lumberton MUD provide individual notice to all landowners, neighboring utilities, political subdivisions, and other persons listed in Ms. Jolie Mathis' memorandum and to include an accurate map delineating the requested service area with each individual notice. Lumberton MUD, however, only provided the notice documents that were sent to affected landowners and included a map that is not in accordance with the maps that were deemed sufficient during administrative review. As such, Staff recommends that Lumberton MUD provide individual notice again, including to those individuals and entities listed in Ms. Mathis' memorandum, with the maps attached to this pleading. Additionally, Staff previously recommended that Lumberton MUD publish notice of the application once each week for two consecutive weeks in a newspaper of general circulation in Hardin County. Lumberton MUD, however, published notice in a newspaper of general circulation in Jefferson County. As such, Staff recommends that Lumberton MUD publish notice once each week for two consecutive weeks in a newspaper of general circulation in Hardin County. Lastly, Staff previously recommended that Lumberton MUD file proof of notice using the forms titled *Affidavit of Notice to Current Customers, Landowners, Neighboring Utilities, and Affected Parties* and *Publisher's Affidavit*. Therefore, when Lumberton MUD files its supplemental proof of notice, Staff recommends that Lumberton MUD use those affidavits.

II. PROPOSED PROCEDURAL SCHEDULE

In accordance with Staff's deficiency recommendation, Staff proposes the following procedural schedule:

Event	Date
Deadline for Lumberton MUD to cure deficiencies identified by Staff and provide proof of revised notice	November 5, 2021
Deadline for Staff to file a supplemental recommendation on sufficiency of notice for the continued processing of this application	November 15, 2021
Deadline to intervene	30 days after notice is issued

III. CONCLUSION

For the reasons detailed above, Staff recommends that the notice be found deficient and that the proposed procedural schedule be adopted. Staff respectfully requests the entry of an order consistent with these recommendations.

Dated: October 15, 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 October 15, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Scott Miles
Scott Miles




LMUD CCN AMENDMENT

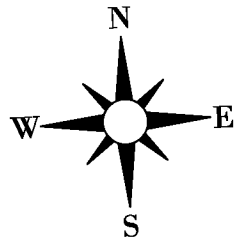
LUMBERTON MUD
WATER & SEWER CCN

MAY 2021

DETAILED MAP

Legend

-  REQUESTED WATER & SEWER AREA TO BE ADDED TO LUMBERTON MUD CCN
-  ROADWAYS
-  RIVER



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Feet

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LMUD CCN AMENDMENT

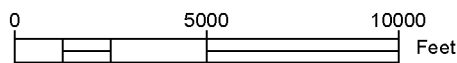
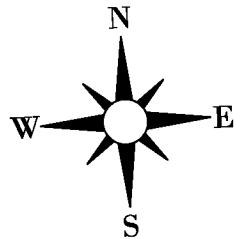
LUMBERTON MUD
WATER & SEWER CCN

MAY 2021

GENERAL LOCATION

Legend

- REQUESTED WATER & SEWER AREA TO BE ADDED TO LUMBERTON MUD CCN
- ROADWAYS
- RIVER



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