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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	§	

ORDER NO. 5
GRANTING WAIVER FOR GOOD CAUSE, FINDING NOTICE SUFFICIENT,
AND ESTABLISHING PROCEDURAL SCHEDULE

This Order addresses the direct and published notice provided by Lumberton Municipal Utility District to amend its certificates of convenience and necessity in Hardin County. On November 15, 2021, Commission Staff filed a supplemental recommendation regarding the notice provided by Lumberton MUD.

On November 4, 2021, Lumberton MUD filed proof of notice that the application was provided to current customers, landowners, neighboring utilities, and affected parties on September 23 and October 22, 2021, that revised notice was provided to current customers, landowners, neighboring utilities, and affected parties on October 27, 2021, and that notice was published in the *Beaumont Enterprise* on September 25 and October 2, 2021, a newspaper of general circulation in Jefferson County.

Along with its proof of notice provided on November 4, 2021, Lumberton MUD requested waiver, for good cause, of the requirement that notice be published in Hardin County. In support of its request, Lumberton MUD included a resolution adopted on August 16, 2021, designating the *Beaumont Enterprise* as its newspaper of general circulation. Lumberton MUD argued that the *Beaumont Enterprise* is the largest newspaper in the area and that numerous Hardin County residents receive the newspaper. Based upon the preceding, Commission Staff does not oppose Lumberton MUD's waiver, for good cause.

For the above reasons, the administrative law judge (ALJ) grants, for good cause, Lumberton MUD's waiver of the published notice requirements under 16 Texas Administrative Code (TAC) § 24.235(c). Accordingly, the ALJ finds the direct and published notice sufficient and establishes the following procedural schedule for continued processing of this docket:

Notice Completed	October 27, 2021
Deadline to intervene	November 29, 2021 ¹
Deadline for Commission Staff to file final maps, certificates, and tariffs (if applicable) to Lumberton MUD for review and consent	December 15, 2021
Deadline for Lumberton MUD to file signed consent forms with the Commission	December 29, 2021
If no hearing is requested, deadline for Commission Staff to file a final recommendation on the application	January 12, 2022
If no hearing is requested, deadline for the parties to file joint proposed findings of fact, including findings that address the factors in Texas Water Code § 13.246(c), and conclusions of law	January 20, 2022

Signed at Austin, Texas the 16th day of November 2021.

PUBLIC UTILITY COMMISSION OF TEXAS



GREGORY R. SIEMANKOWSKI
ADMINISTRATIVE LAW JUDGE

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¹ Because the deadline to intervene falls on Friday, November 26, 2021, which is also a holiday, under 16 TAC § 22.4(a), the deadline moves to the next day in which the Commission is open for business.