

Control Number: 52172



Item Number: 6

Addendum StartPage: 0

PUC DOCKET NO. 52172

2021 JUL - 1 PH 12: 32

APPLICATION BY	§	1000 1000 1000 1000
AQUA TEXAS, INC.	§	BEFORE THE PUBLIC UTILITY
FOR A WATER CERTIFICATE	§	
OF CONVENIENCE AND	§	COMMISSION OF TEXAS
NECESSITY	§	

APPLICANT'S CONFIRMATION OF MAILED NOTICE PURSUANT TO ALJ'S ORDER NO. 2

TO THE HONORABLE ADMINISTRATIVE LAW JUDGE:

COMES NOW Aqua Texas, Inc., a Texas corporation ("Applicant"), and files this Confirmation of Mailed Notice pursuant to Order No. 2 in this Docket No. 52172, and in support thereof would show the following:

Pursuant to the ALJ's Order No. 2, the Applicant caused "Notice of the Application," as described in the June 28, 2021, Memorandum of Patricia Garcia, filed by Commission Staff in this Docket No. 52172, to be mailed to the persons and entities identified therein. As evidenced by the Affidavit of Mailed Notice, executed by Ms. Temple Noble, dated July 1, 2021, a true and correct copy of which is appended hereto as Exhibit No. 1, and incorporated by reference for all purposes, the Notice to said persons and entities was mailed by Certified Mail on June 30, 2021, and a duplicate copy mailed via regular First-Class Mail on July 1, 2021. Ms. Noble's Affidavit includes copies of the Notices mailed to the persons/entities identified pursuant to the ALJ's Order No. 2, as well as copies of the postmarked certified mail receipts.

WHEREFORE, PREMISES CONSIDERED, Applicant, Aqua Texas, Inc., respectfully requests that the Commission accept the enclosed Affidavit of Mailed Notice in support of the pending Application pursuant to Order No. 2, and that the Application continue to be processed for final approval.



Respectfully submitted,

MCCARTHY & MCCARTHY, LLP 1122 Colorado St., Suite 2399 Austin, Texas 78701

By: /s/ Edmond R. McCarthy, Jr.
Edmond R. McCarthy, Jr.
State Bar No. 13367200
(512) 904-2313 (Tel)
(512) 692-2826 (Fax)
ed@ermlawfirm.com
ATTORNEYS FOR APPLICANT,
AQUA TEXAS, INC.

CERTIFICATE OF SERVICE

I hereby certify by my signature below, that on this the 1st day of July, 2021, a true and correct copy of the foregoing was:

- (i) electronically e-filed with the Commission pursuant to Rule 22.74 and the Commission's Order in Docket No. 50664 addressing Covid-19 Pandemic conditions, and
- (ii) forwarded via postage prepaid regular first-class mail and/or e-mail, where available, to the Parties to Docket No. 52172 or their legal counsel at the locations shown on the attached service list.

/s/ Edmond R. McCarthy, Jr. Edmond R. McCarthy, Jr.

2 0002

SERVICE LIST

Mr. Merritt Lander Legal Division Public Utility Commission of Texas P.O. Box 13326 Austin, Texas 78711

Tel.: (512) 936-7290 Fax: (512) 936-7268

E-mail: merritt.lander@puc.texas.gov

Wet Rock Groundwater Resources LLC

Attn: Kaveh Khorzad

317 Ranch Road 620 South, Suite 203

Austin, TX 78734 Tel: (512) 773-3226

E-mail: k.khorzad@wetrockgs.com

Representing Public Utility Commission of Texas – Legal Division

Representing Applicant, Aqua Texas, Inc.

3 0003

Exhibit "1" Affidavit of Mailed Notice

4 0004

PUC DOCKET NO. 52172

APPLICATION OF	§	
AQUA TEXAS, INC.	§	BEFORE THE PUBLIC UTILITY
FOR A CERTIFICATE OF	§	
CONVENIENCE AND	§	COMMISSION OF TEXAS
NECESSITY	§	

AFFIDAVIT OF MAILED NOTICE IN PUC DOCKET NO. 52172

STATE OF TEXAS §
COUNTY OF TRAVIS §

Date: June 30, 2021

Affiant: Temple Noble

Affiant, Temple Noble, after having been duly sworn, on oath swears that the following statements are true and correct, and within her personal knowledge:

- 1. I am the Legal Assistant at the Law Firm of McCarthy & McCarthy, LLP, in Austin, Texas (the "Law Firm"), and work with Edmond R. McCarthy, Jr., attorney.
- 2. Mr. McCarthy and the Law Firm are working with Aqua Texas, Inc. ("Applicant") in connection with its Application for a retail potable water Certificate of Convenience and Necessity ("CNN") in this PUC Docket No. 52172.
- 3. Pursuant to the Administrative Law Judge's Order No. 2, dated June 28, 2021, directing that the Applicant to mail "Notices," as described in the June 28, 2021, memorandum of Patricia Garcia, PUC Staff, Notices were sent to the following persons and entities at the addresses is below:

City of Celina, Texas
302 W. Walnut Street
Celina, TX 75009

City of McKinney, Texas
P.O. Box 517
McKinney, TX 75070

City of Frisco, Texas
Town of Prosper, Texas
6101 Frisco Square Blvd.
P.O. Box 307
Prosper, TX 75078

North Texas Municipal Water District
P.O. Box 2408
Wylie, TX 75098

North Texas Groundwater Conservation District
P.O. Box 508
Gainesville, TX 76241

Honorable Chris Hill, Judge, Collin County, Texas 2300 Bloomdale Rd., Suite 4192 McKinney, TX 75071 AIRW-2017-7 LP 2505 N. State Highway 360, Suite 800 Grand Prairie, TX 75050

WRIA 2018-4 LP 2505 N. State Highway 360, Suite 800 Grand Prairie, TX 75050 WRIA 2018-5 LP 2505 N. State Highway 360, Suite 800 Grand Prairie, TX 75050

- 4. The mailed Notice referenced in Paragraph 3 above was sent by postage prepaid certified mail on June 30, 2021. A duplicate copy of the Notice was also sent by postage prepaid regular U.S. mail on July 1, 2021, to the persons/addresses shown in the Certificate of Service of the Notice.
- 5. True and correct copies of the Notices that were mailed are appended hereto as Exhibit "A," and are incorporated herein by reference for all purposes.
- 6. True and correct copies of postmarked receipts for the certified mailed Notices are appended hereto as Exhibit "B," and are incorporated herein by reference for all purposes.
- 7. Affiant's statements in paragraphs 1. through 6. above, inclusive, are true and correct and within the personal knowledge of Affiant.

Further Affiant sayeth not.

Temple 1 51 le Temple Noble, Legal Assistant, Affiant

SWORN TO AND SUBSCRIBED BEFORE ME by Temple Noble, acting in her capacity as Legal Assistant to McCarthy & McCarthy, LLP, and attorney Edmond R/McCarthy, Ir., on this, the 1st day of July, 2021, to certify which witness my hand and seal of office.

Notary Seal:

EDMOND R. MCCARTHY, JR My Notary ID # 11307105 Expires July 28, 2023 Notary Public, State of Texas

Printed Name: Edmond R. Mcg Notary No.: 11307105

My Commission Expires: 1-28-2

Exhibit "A"

Copy of Notices Mailed via Certified Mail, Return Receipt Requested and via Regular U.S. Mail in Docket No. 52172

To: AIRW 2017-7, LP Date Notice Mailed: <u>6/30</u>, 20 21

2505 N. State Highway 360, Ste. 800

Grand Prairie, TX 75050

Aqua Texas, Inc. has filed an application with the Public Utility Commission of Texas to amend its Certificate of Convenience and Necessity (CCN) No. 13201 for the provision of retail water utility service in Collin County, Texas.

The requested area includes <u>0</u> current customers, is located approximately <u>7</u> miles <u>west-northwest</u> of downtown <u>McKinney</u>, Texas, and is generally bounded on the north by <u>CR 123</u>; on the east by <u>CR 124</u>; on the south by <u>Wilson Creek</u>; and on the west by <u>N Custer Road</u>.

The requested area includes approximately 138 acres, comprised of 138 acres of uncertificated area.

The result of the application will be the addition of approximately 138 acres to CCN No. 13201.

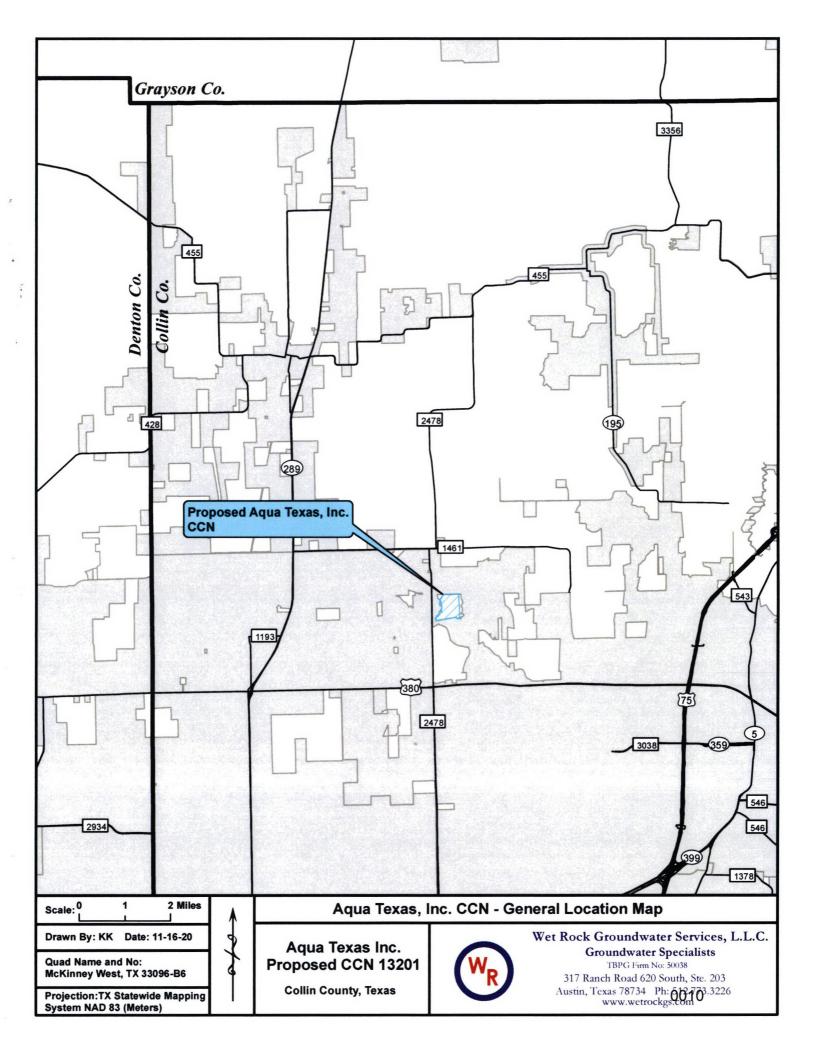
See enclosed map showing the requested area.

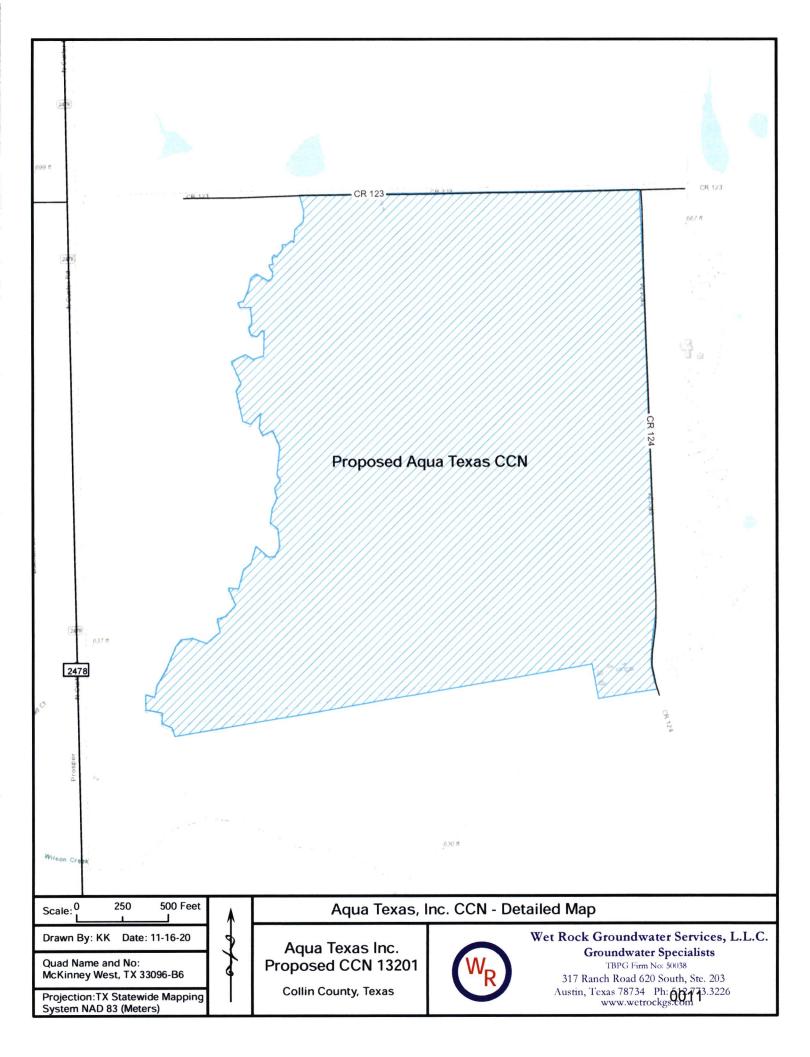
Persons who wish to intervene in the proceeding or comment upon action sought should contact the Public Utility Commission, P.O. Box 13326, Austin, Texas 78711-3326, or call the Public Utility Commission at (512) 936-7120 or (888) 782-8477. Hearing- and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136. The deadline for intervention in the proceeding is (30 days from the mailing or publication of notice, whichever occurs later, unless otherwise provided by the presiding officer). You must send a letter requesting intervention to the commission which is received by that date. The letter must include the person's name, address, email address and fax number if applicable.

If a valid public hearing is requested, the Commission will forward the application to the State Office of Administrative Hearings (SOAH) for a hearing. If no settlement is reached and an evidentiary hearing is held, SOAH will submit a recommendation to the Commission for final decision. An evidentiary hearing is a legal proceeding similar to a civil trial in state district court.

Public Utility Commission of Texas Central Records 1701 N. Congress, P. O. Box 13326 Austin, TX 78711-3326

In addition, the landowner must also send a copy of the opt out request to the Utility. Staff may request additional information regarding your request.





To: City of Celina Date Notice Mailed: 6/30, 20 21

302 W. Walnut Street

Celina, TX 75009

Aqua Texas, Inc. has filed an application with the Public Utility Commission of Texas to amend its Certificate of Convenience and Necessity (CCN) No. 13201 for the provision of retail water utility service in Collin County, Texas.

The requested area includes <u>0</u> current customers, is located approximately <u>7</u> miles <u>west-northwest</u> of downtown <u>McKinney</u>, Texas, and is generally bounded on the north by <u>CR 123</u>; on the east by <u>CR 124</u>; on the south by <u>Wilson Creek</u>; and on the west by <u>N Custer Road</u>.

The requested area includes approximately 138 acres, comprised of 138 acres of uncertificated area.

The result of the application will be the addition of approximately 138 acres to CCN No. 13201.

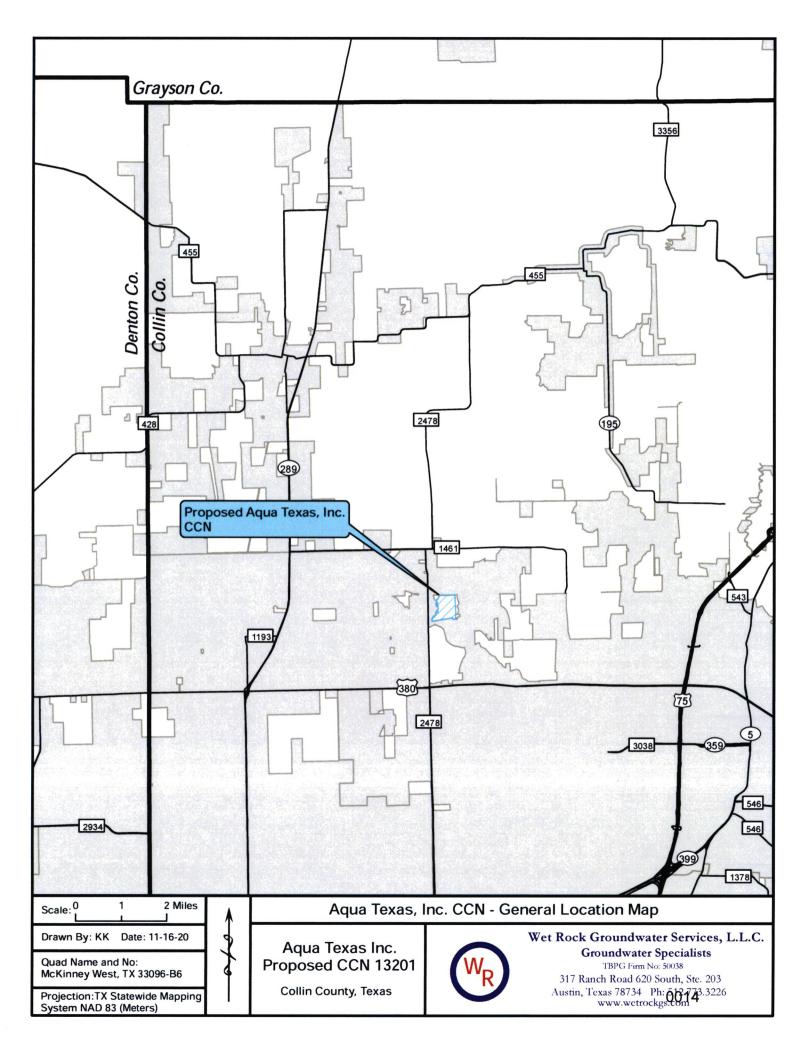
See enclosed map showing the requested area.

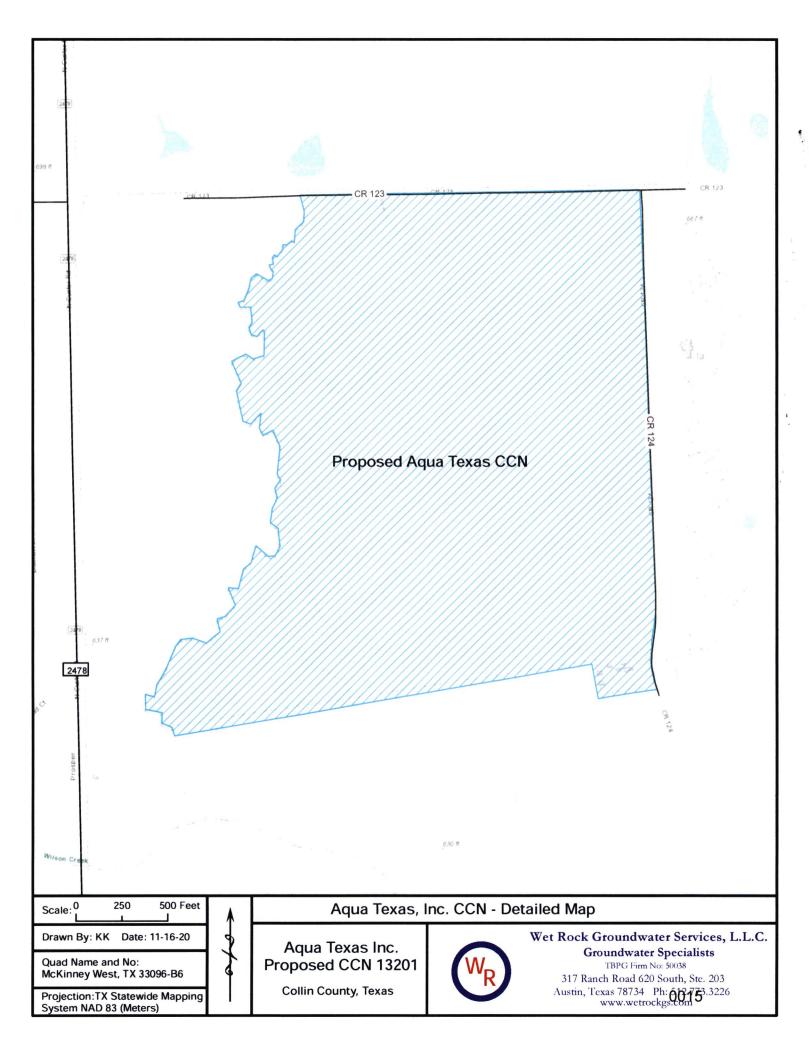
Persons who wish to intervene in the proceeding or comment upon action sought should contact the Public Utility Commission, P.O. Box 13326, Austin, Texas 78711-3326, or call the Public Utility Commission at (512) 936-7120 or (888) 782-8477. Hearing- and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136. The deadline for intervention in the proceeding is (30 days from the mailing or publication of notice, whichever occurs later, unless otherwise provided by the presiding officer). You must send a letter requesting intervention to the commission which is received by that date. The letter must include the person's name, address, email address and fax number if applicable.

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Public Utility Commission of Texas Central Records 1701 N. Congress, P. O. Box 13326 Austin, TX 78711-3326

In addition, the landowner must also send a copy of the opt out request to the Utility. Staff may request additional information regarding your request.





To: City of Frisco Date Notice Mailed: 6/30 , 2021

(Neighboring System, Landowner, Customer or City)

6101 Frisco Square Blvd
(Address)
Frisco, TX 75034
(City State Zip)

Aqua Texas, Inc. has filed an application with the Public Utility Commission of Texas to amend its Certificate of Convenience and Necessity (CCN) No. 13201 for the provision of retail water utility service in Collin County, Texas.

The requested area includes <u>0</u> current customers, is located approximately <u>7</u> miles <u>west-northwest</u> of downtown <u>McKinney</u>, Texas, and is generally bounded on the north by <u>CR 123</u>; on the east by CR 124; on the south by Wilson Creek; and on the west by N Custer Road.

The requested area includes approximately 138 acres, comprised of 138 acres of uncertificated area.

The result of the application will be the addition of approximately 138 acres to CCN No. 13201.

See enclosed map showing the requested area.

Persons who wish to intervene in the proceeding or comment upon action sought should contact the Public Utility Commission, P.O. Box 13326, Austin, Texas 78711-3326, or call the Public Utility Commission at (512) 936-7120 or (888) 782-8477. Hearing- and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136. The deadline for intervention in the proceeding is (30 days from the mailing or publication of notice, whichever occurs later, unless otherwise provided by the presiding officer). You must send a letter requesting intervention to the commission which is received by that date. The letter must include the person's name, address, email address and fax number if applicable.

If a valid public hearing is requested, the Commission will forward the application to the State Office of Administrative Hearings (SOAH) for a hearing. If no settlement is reached and an evidentiary hearing is held, SOAH will submit a recommendation to the Commission for final decision. An evidentiary hearing is a legal proceeding similar to a civil trial in state district court.

A landowner with a tract of land at least 25 acres or more, that is partially or wholly located within the requested area, may file a written request with the Commission to be excluded from the requested area ("opt out") within (30) days from the date that notice was provided by the Utility. All opt out requests must include a large-scale map, a metes and bounds description of the landowner's tract of land, landowner's name, address, email address and fax number, if applicable.

Notice Form Updated: February 4, 2021

Persons who wish to request this option should file the required documents with the:

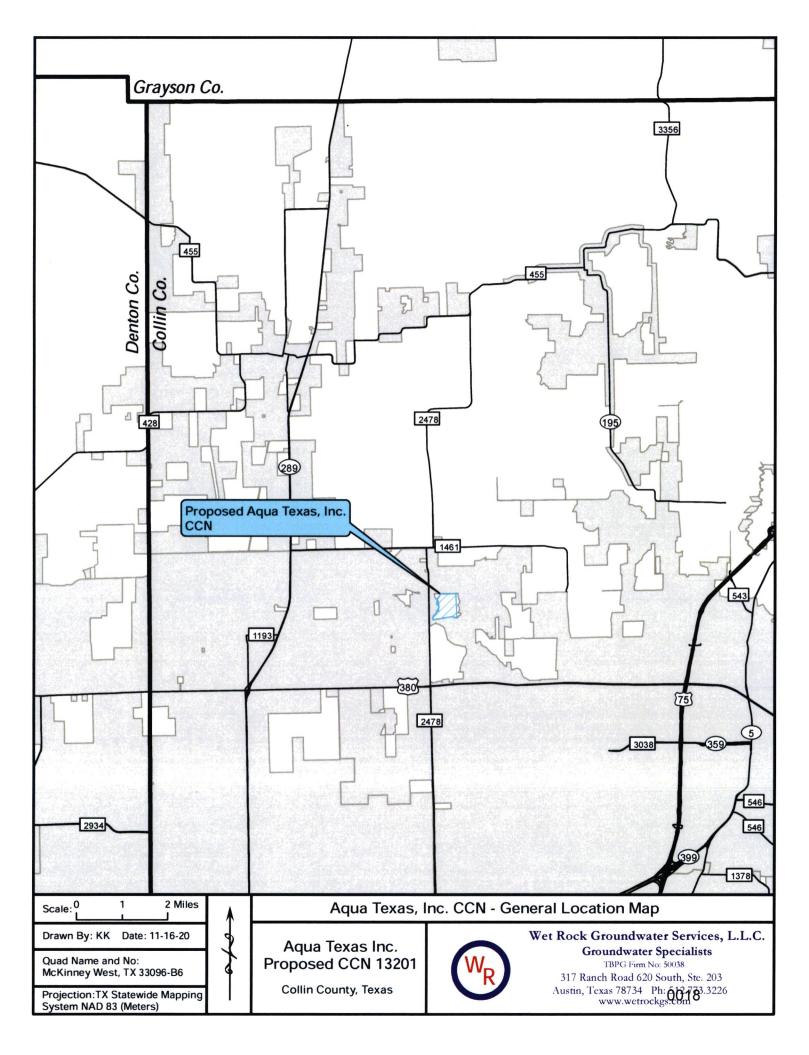
Public Utility Commission of Texas

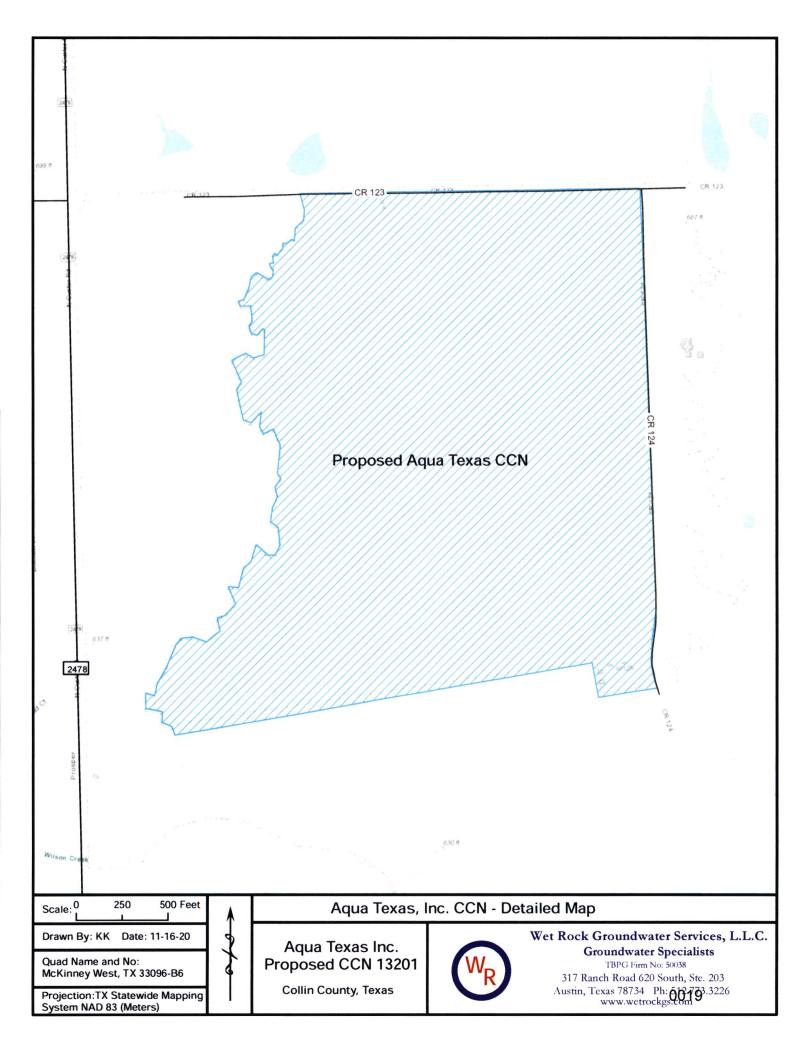
Central Records

1701 N. Congress, P. O. Box 13326

Austin, TX 78711-3326

In addition, the landowner must also send a copy of the opt out request to the Utility. Staff may request additional information regarding your request.





To: City of McKinney Date Notice Mailed: 6/30, 20 21

P.O. Box 517

McKinney, TX 75070

Aqua Texas, Inc. has filed an application with the Public Utility Commission of Texas to amend its Certificate of Convenience and Necessity (CCN) No. 13201 for the provision of retail water utility service in Collin County, Texas.

The requested area includes <u>0</u> current customers, is located approximately <u>7</u> miles <u>west-northwest</u> of downtown <u>McKinney</u>, Texas, and is generally bounded on the north by <u>CR 123</u>; on the east by <u>CR 124</u>; on the south by <u>Wilson Creek</u>; and on the west by <u>N Custer Road</u>.

The requested area includes approximately 138 acres, comprised of 138 acres of uncertificated area.

The result of the application will be the addition of approximately 138 acres to CCN No. 13201.

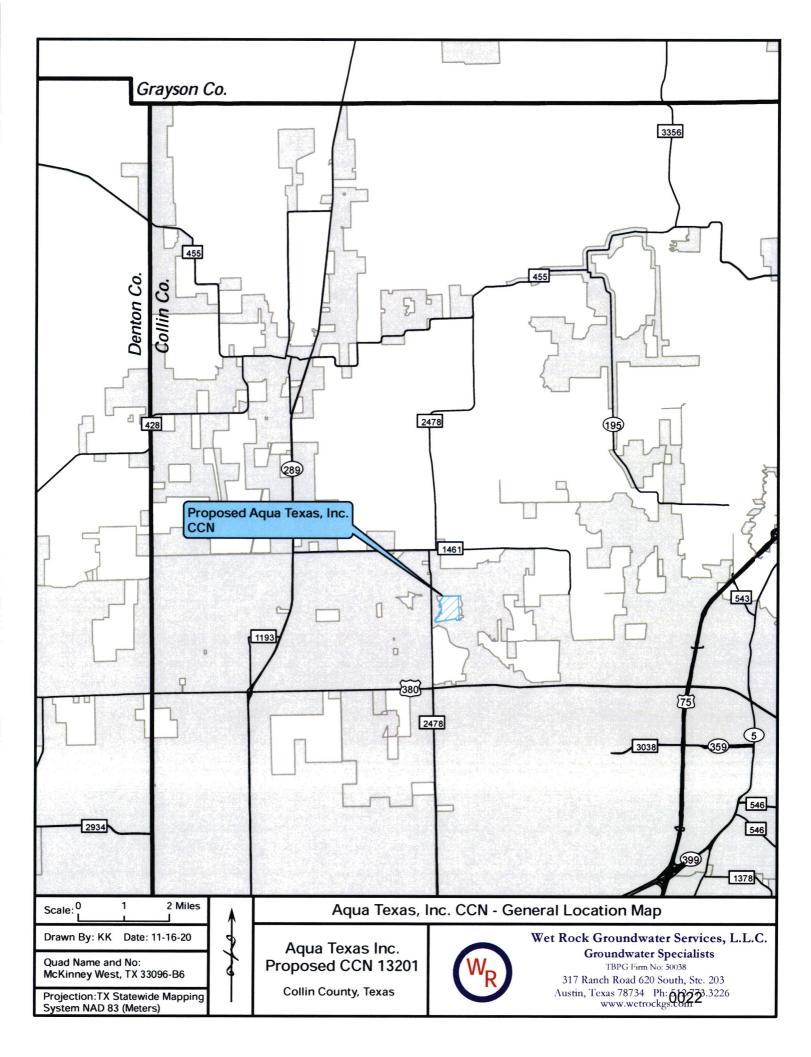
See enclosed map showing the requested area.

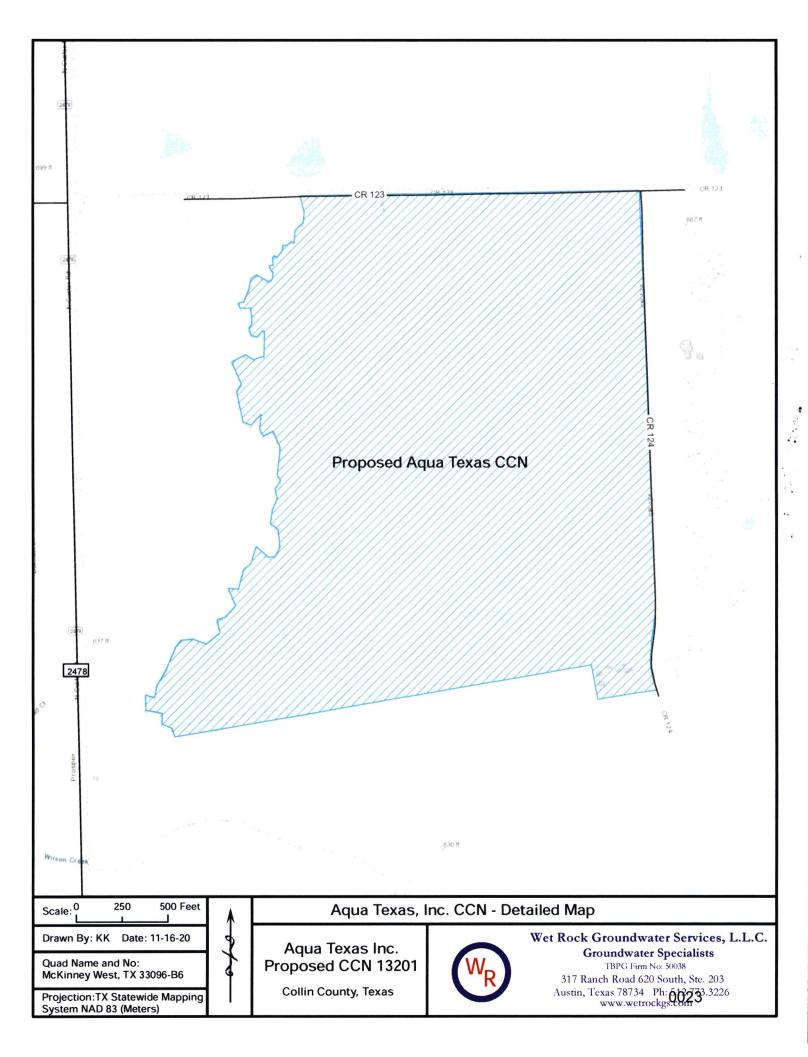
Persons who wish to intervene in the proceeding or comment upon action sought should contact the Public Utility Commission, P.O. Box 13326, Austin, Texas 78711-3326, or call the Public Utility Commission at (512) 936-7120 or (888) 782-8477. Hearing- and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136. The deadline for intervention in the proceeding is (30 days from the mailing or publication of notice, whichever occurs later, unless otherwise provided by the presiding officer). You must send a letter requesting intervention to the commission which is received by that date. The letter must include the person's name, address, email address and fax number if applicable.

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Public Utility Commission of Texas Central Records 1701 N. Congress, P. O. Box 13326 Austin, TX 78711-3326

In addition, the landowner must also send a copy of the opt out request to the Utility. Staff may request additional information regarding your request.





To: The Honorable Chris Hill - Collin County Judge Date Notice Mailed: 6/30, 20 21

2300 Bloomdale Rd., Suite 4192

McKinney, TX 75071

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The requested area includes approximately 138 acres, comprised of 138 acres of uncertificated area.

The result of the application will be the addition of approximately 138 acres to CCN No. 13201.

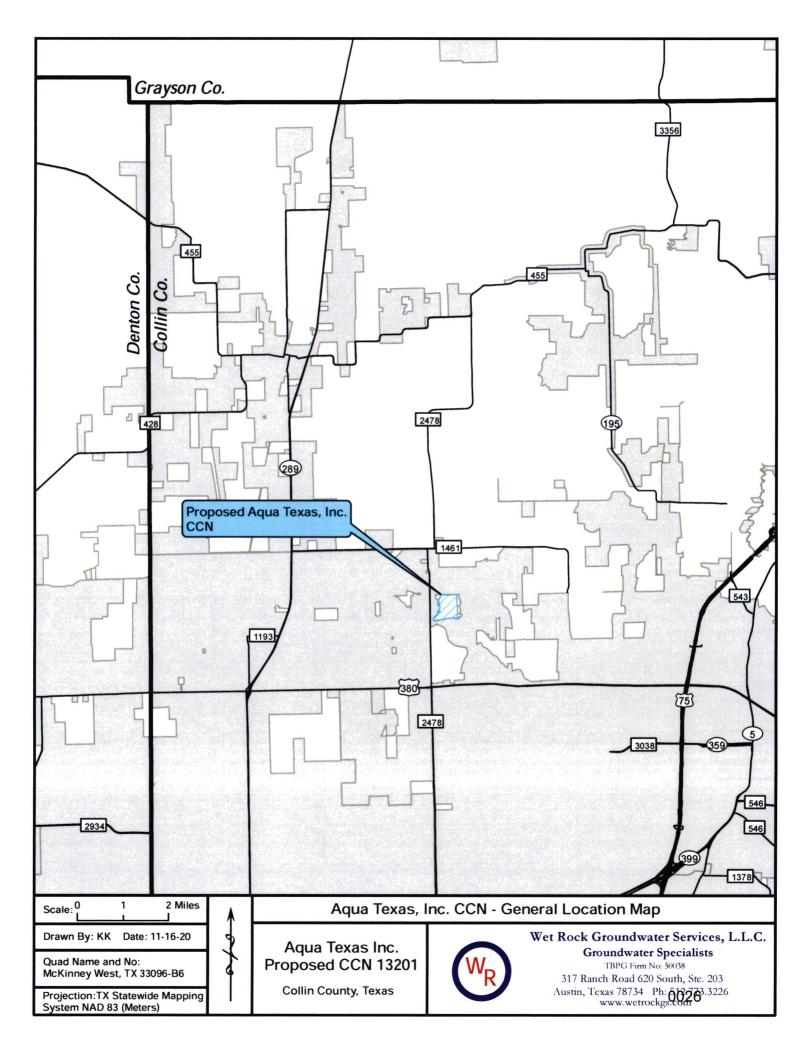
See enclosed map showing the requested area.

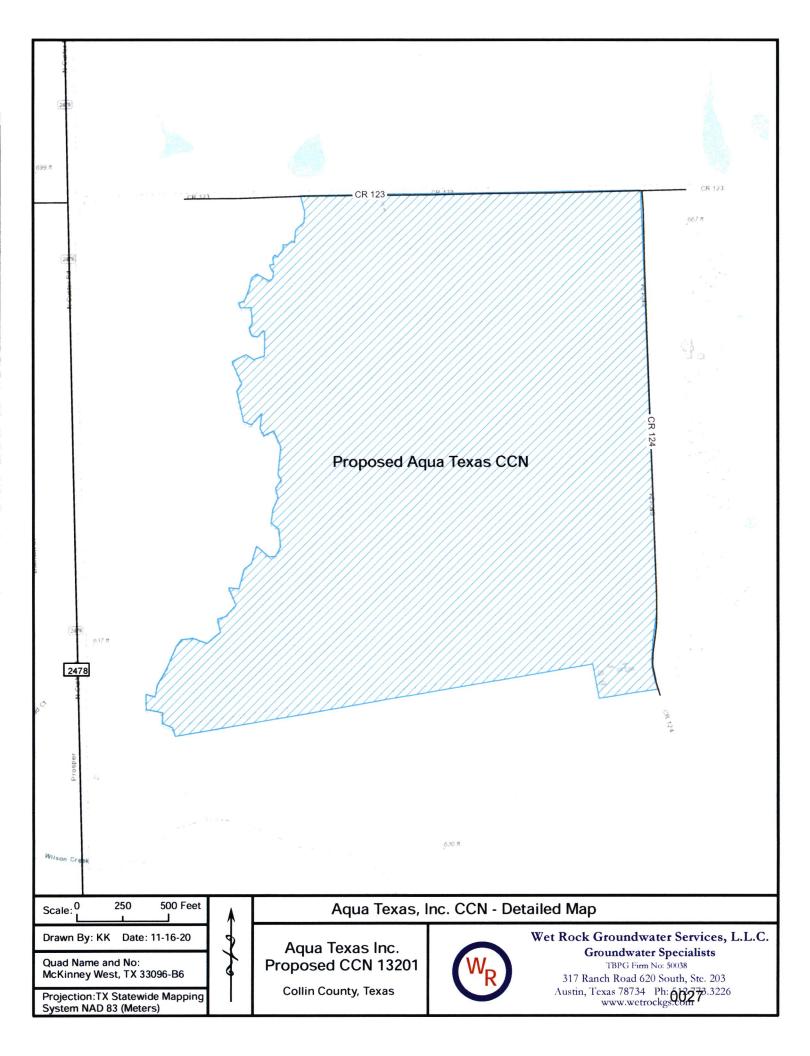
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Public Utility Commission of Texas Central Records 1701 N. Congress, P. O. Box 13326 Austin, TX 78711-3326

In addition, the landowner must also send a copy of the opt out request to the Utility. Staff may request additional information regarding your request.





To: North Texas Groundwater Conservation District Date Notice Mailed: 6/30, 2021

P.O. Box 508

Gainesville, TX 76241

Aqua Texas, Inc. has filed an application with the Public Utility Commission of Texas to amend its Certificate of Convenience and Necessity (CCN) No. 13201 for the provision of retail water utility service in Collin County, Texas.

The requested area includes $\underline{0}$ current customers, is located approximately $\underline{7}$ miles west-northwest of downtown McKinney, Texas, and is generally bounded on the north by \underline{CR} 123; on the east by \underline{CR} 124; on the south by Wilson Creek; and on the west by N Custer Road.

The requested area includes approximately 138 acres, comprised of 138 acres of uncertificated area.

The result of the application will be the addition of approximately 138 acres to CCN No. 13201.

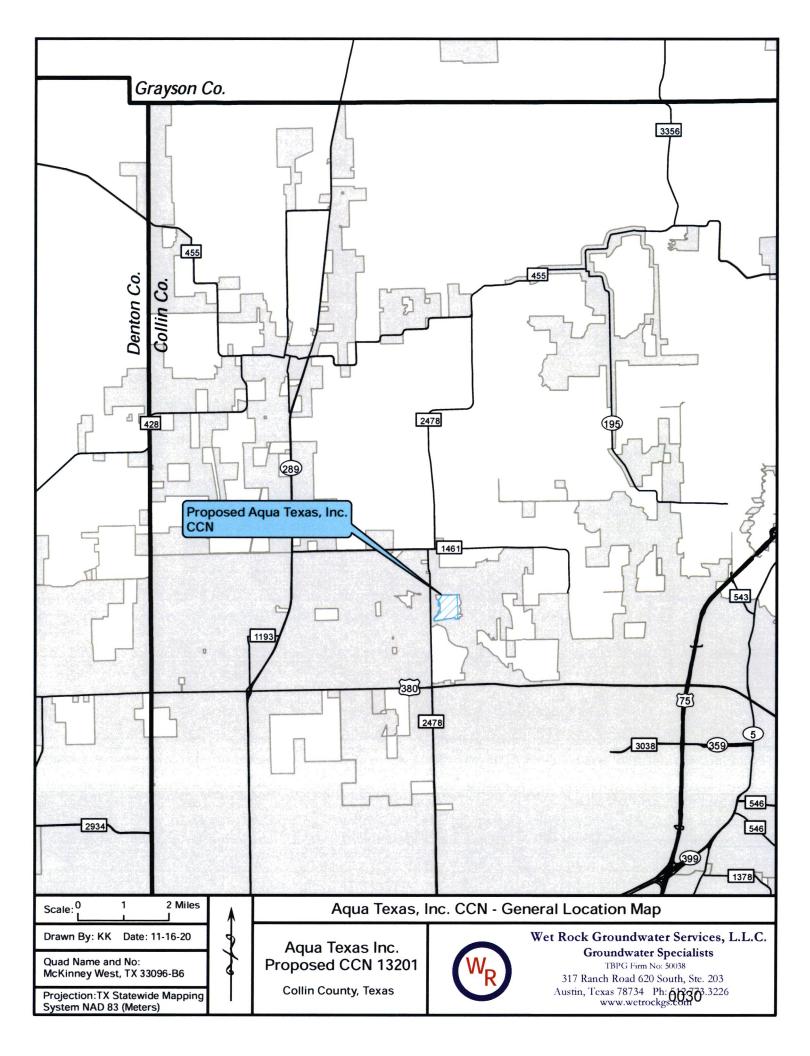
See enclosed map showing the requested area.

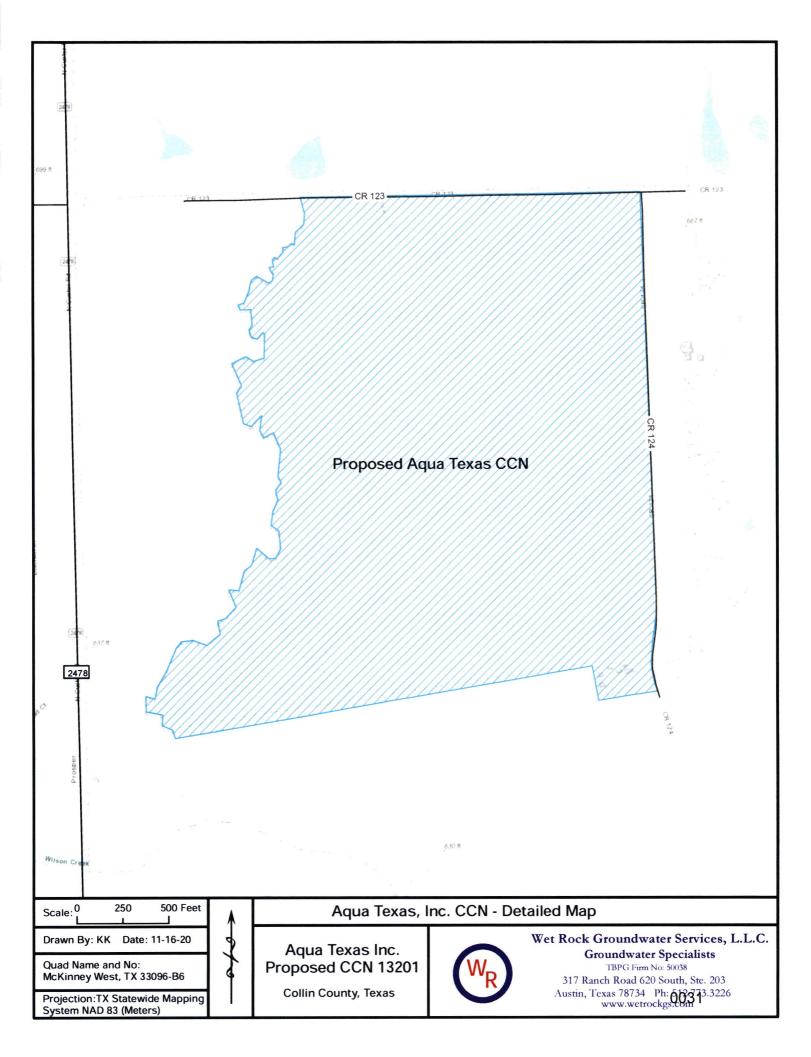
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Public Utility Commission of Texas Central Records 1701 N. Congress, P. O. Box 13326 Austin, TX 78711-3326

In addition, the landowner must also send a copy of the opt out request to the Utility. Staff may request additional information regarding your request.





To: North Texas Municipal Water District Date Notice Mailed: 6/30, 2021

P.O. Box 2408

Wylie, TX 75098

Aqua Texas, Inc. has filed an application with the Public Utility Commission of Texas to amend its Certificate of Convenience and Necessity (CCN) No. 13201 for the provision of retail water utility service in Collin County, Texas.

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The result of the application will be the addition of approximately 138 acres to CCN No. 13201.

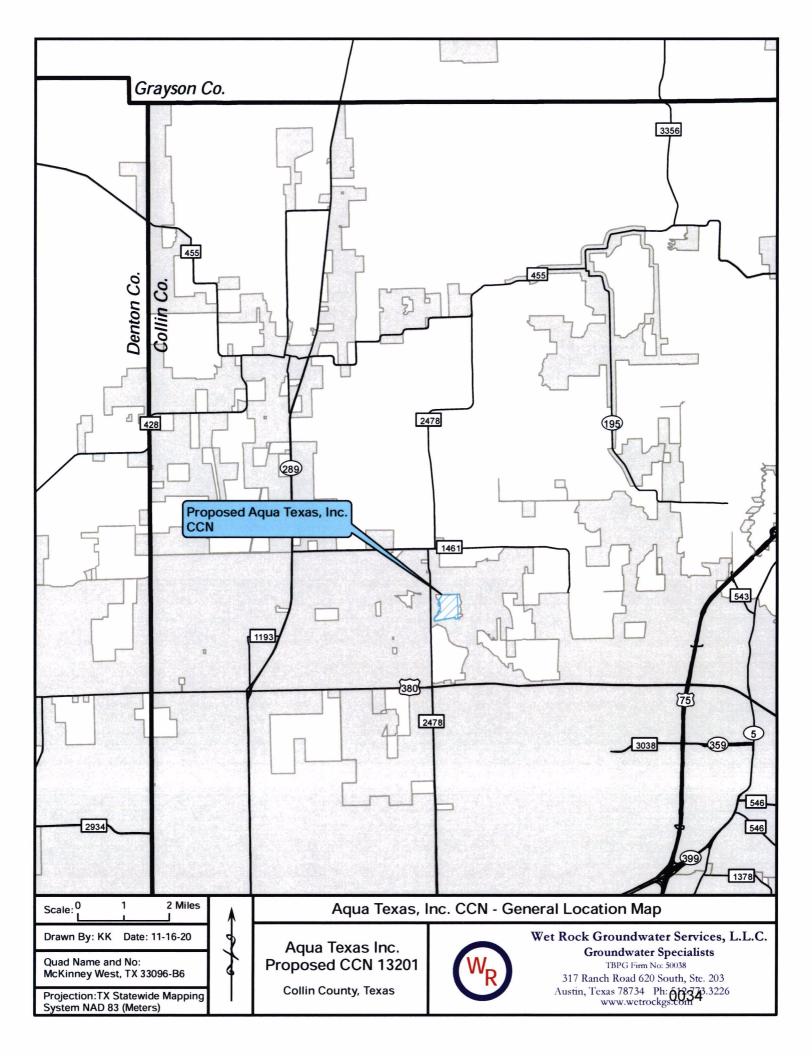
See enclosed map showing the requested area.

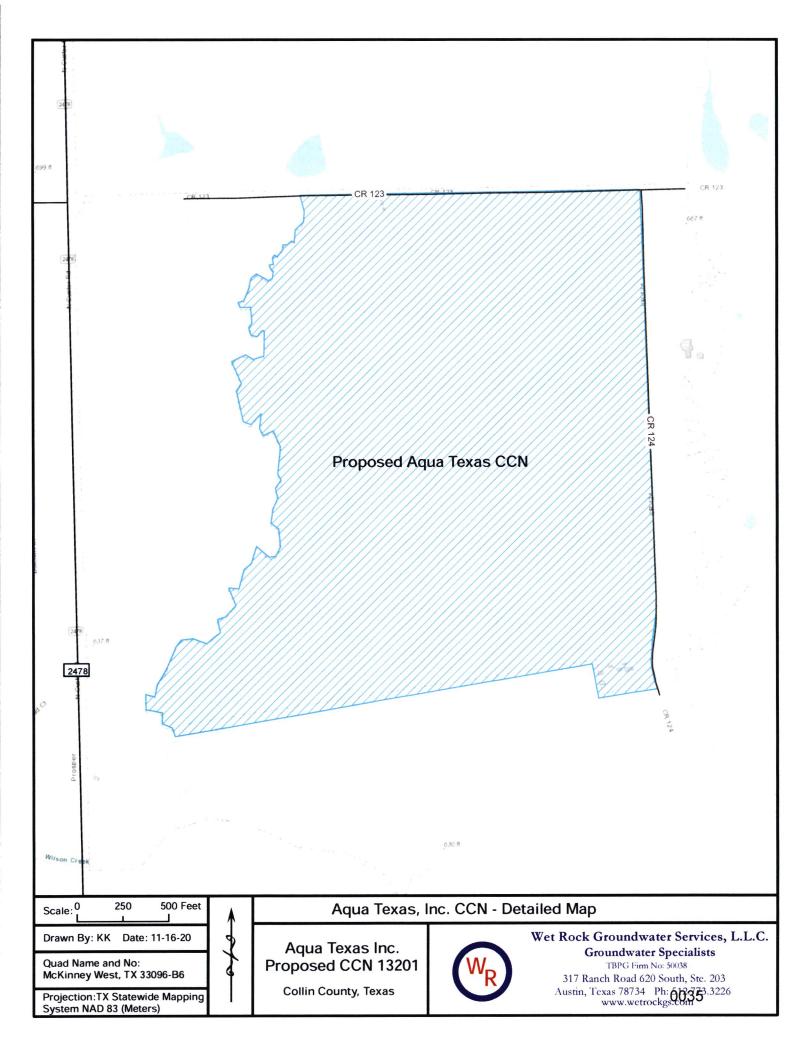
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Public Utility Commission of Texas Central Records 1701 N. Congress, P. O. Box 13326 Austin, TX 78711-3326

In addition, the landowner must also send a copy of the opt out request to the Utility. Staff may request additional information regarding your request.





Notice to Neighboring Systems, Landowners, Customers, and Cities NOTICE OF APPLICATION OF AQUA TEXAS, INC. TO AMEND A CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE WATER UTILITY SERVICE IN COLLIN COUNTY, TEXAS

To: Town of Prosper Date Notice Mailed: 6/30, 20 21

P.O. Box 307

Prosper, TX 75078

Aqua Texas, Inc. has filed an application with the Public Utility Commission of Texas to amend its Certificate of Convenience and Necessity (CCN) No. 13201 for the provision of retail water utility service in Collin County, Texas.

The requested area includes $\underline{0}$ current customers, is located approximately $\underline{7}$ miles west-northwest of downtown McKinney, Texas, and is generally bounded on the north by CR 123; on the east by CR 124; on the south by Wilson Creek; and on the west by N Custer Road.

The requested area includes approximately 138 acres, comprised of 138 acres of uncertificated area.

The result of the application will be the addition of approximately 138 acres to CCN No. 13201.

See enclosed map showing the requested area.

Persons who wish to intervene in the proceeding or comment upon action sought should contact the Public Utility Commission, P.O. Box 13326, Austin, Texas 78711-3326, or call the Public Utility Commission at (512) 936-7120 or (888) 782-8477. Hearing- and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136. The deadline for intervention in the proceeding is (30 days from the mailing or publication of notice, whichever occurs later, unless otherwise provided by the presiding officer). You must send a letter requesting intervention to the commission which is received by that date. The letter must include the person's name, address, email address and fax number if applicable.

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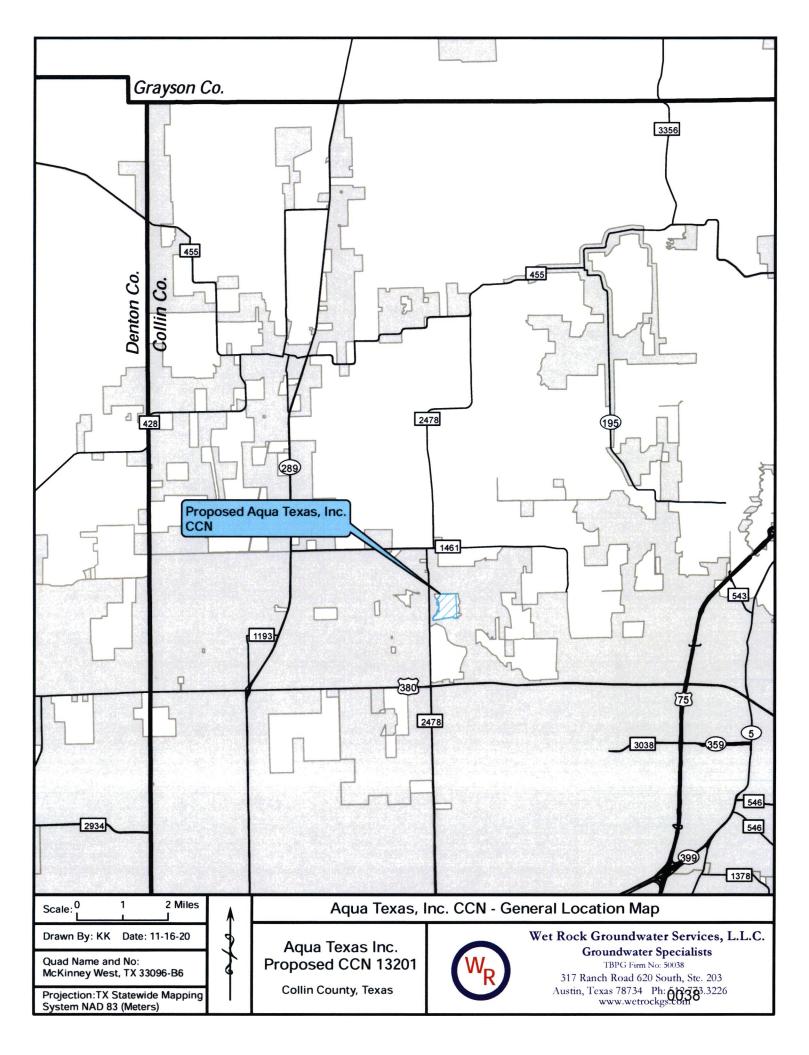
A landowner with a tract of land at least 25 acres or more, that is partially or wholly located within the requested area, may file a written request with the Commission to be excluded from the requested area ("opt out") within (30) days from the date that notice was provided by the Utility. All opt out requests must include a large-scale map, a metes and bounds description of the landowner's tract of land, landowner's name, address, email address and fax number, if applicable.

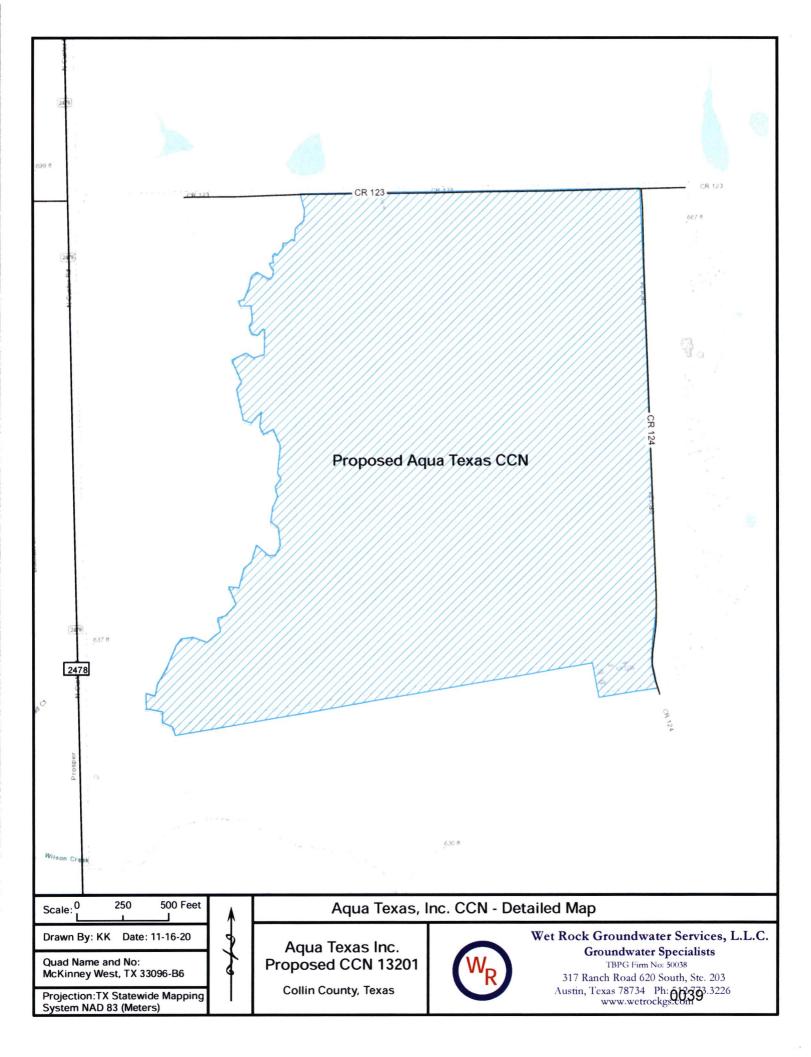
Persons who wish to request this option should file the required documents with the:

Public Utility Commission of Texas Central Records 1701 N. Congress, P. O. Box 13326 Austin, TX 78711-3326

In addition, the landowner must also send a copy of the opt out request to the Utility. Staff may request additional information regarding your request.

Si desea información en español, puede llamar al 1-888-782-8477.





Notice to Neighboring Systems, Landowners, Customers, and Cities NOTICE OF APPLICATION OF AQUA TEXAS, INC. TO AMEND A CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE WATER UTILITY SERVICE IN COLLIN

COUNTY, TEXAS

To: WRIA 2018-4, LP Date Notice Mailed: <u>6/30</u>, 20 21

2505 N. State Highway 360, Ste. 800

Grand Prairie, TX 75050

Aqua Texas, Inc. has filed an application with the Public Utility Commission of Texas to amend its Certificate of Convenience and Necessity (CCN) No. 13201 for the provision of retail water utility service in Collin County, Texas.

The requested area includes $\underline{0}$ current customers, is located approximately $\underline{7}$ miles $\underline{\text{west-northwest}}$ of downtown $\underline{\text{McKinney}}$, Texas, and is generally bounded on the north by $\underline{\text{CR 123}}$; on the east by $\underline{\text{CR 124}}$; on the south by $\underline{\text{Wilson Creek}}$; and on the west by $\underline{\text{N Custer Road}}$.

The requested area includes approximately 138 acres, comprised of 138 acres of uncertificated area.

The result of the application will be the addition of approximately 138 acres to CCN No. 13201.

See enclosed map showing the requested area.

Persons who wish to intervene in the proceeding or comment upon action sought should contact the Public Utility Commission, P.O. Box 13326, Austin, Texas 78711-3326, or call the Public Utility Commission at (512) 936-7120 or (888) 782-8477. Hearing- and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136. The deadline for intervention in the proceeding is (30 days from the mailing or publication of notice, whichever occurs later, unless otherwise provided by the presiding officer). You must send a letter requesting intervention to the commission which is received by that date. The letter must include the person's name, address, email address and fax number if applicable.

If a valid public hearing is requested, the Commission will forward the application to the State Office of Administrative Hearings (SOAH) for a hearing. If no settlement is reached and an evidentiary hearing is held, SOAH will submit a recommendation to the Commission for final decision. An evidentiary hearing is a legal proceeding similar to a civil trial in state district court.

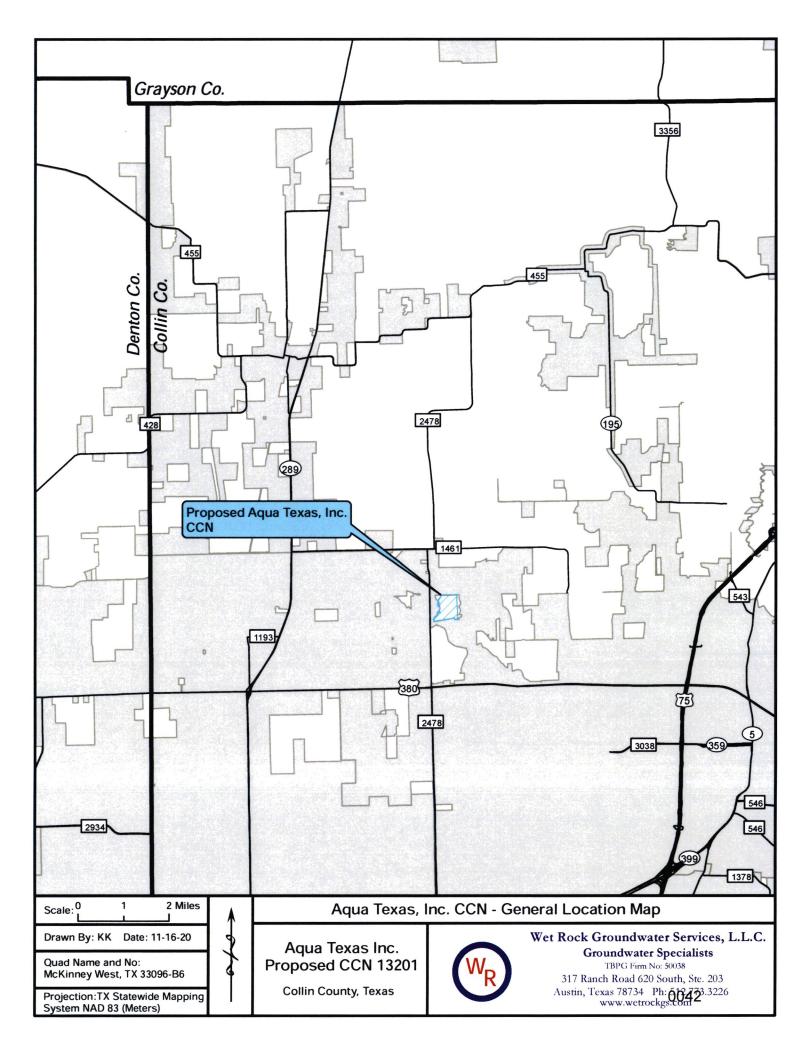
A landowner with a tract of land at least 25 acres or more, that is partially or wholly located within the requested area, may file a written request with the Commission to be excluded from the requested area ("opt out") within (30) days from the date that notice was provided by the Utility. All opt out requests must include a large-scale map, a metes and bounds description of the landowner's tract of land, landowner's name, address, email address and fax number, if applicable.

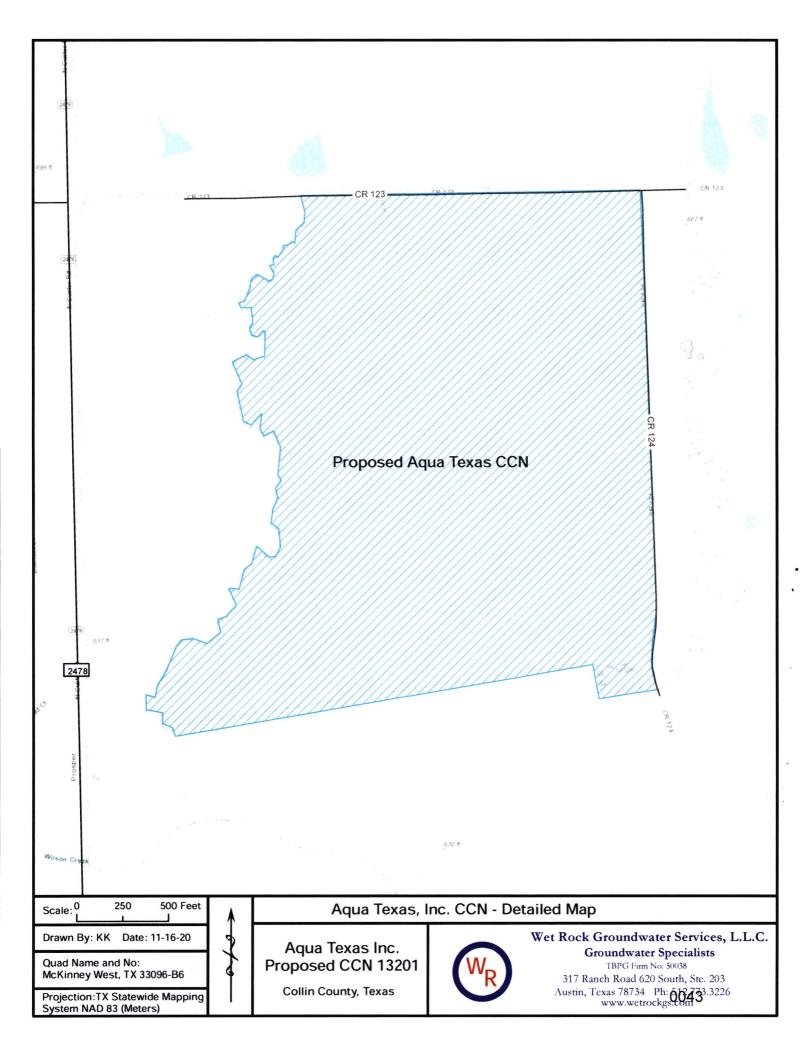
Persons who wish to request this option should file the required documents with the:

Public Utility Commission of Texas Central Records 1701 N. Congress, P. O. Box 13326 Austin, TX 78711-3326

In addition, the landowner must also send a copy of the opt out request to the Utility. Staff may request additional information regarding your request.

Si desea información en español, puede llamar al 1-888-782-8477.





Notice to Neighboring Systems, Landowners, Customers, and Cities NOTICE OF APPLICATION OF AQUA TEXAS, INC. TO AMEND A CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE WATER UTILITY SERVICE IN COLLIN COUNTY, TEXAS

To: WRIA 2018-5, LP Date Notice Mailed: 6/30, 2021

2505 N. State Highway 360, Ste. 800

Grand Prairie, TX 75050

Aqua Texas, Inc. has filed an application with the Public Utility Commission of Texas to amend its Certificate of Convenience and Necessity (CCN) No. 13201 for the provision of retail water utility service in Collin County, Texas.

The requested area includes $\underline{0}$ current customers, is located approximately $\underline{7}$ miles west-northwest of downtown McKinney, Texas, and is generally bounded on the north by CR 123; on the east by CR 124; on the south by Wilson Creek; and on the west by N Custer Road.

The requested area includes approximately 138 acres, comprised of 138 acres of uncertificated area.

The result of the application will be the addition of approximately 138 acres to CCN No. 13201.

See enclosed map showing the requested area.

Persons who wish to intervene in the proceeding or comment upon action sought should contact the Public Utility Commission, P.O. Box 13326, Austin, Texas 78711-3326, or call the Public Utility Commission at (512) 936-7120 or (888) 782-8477. Hearing- and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136. The deadline for intervention in the proceeding is (30 days from the mailing or publication of notice, whichever occurs later, unless otherwise provided by the presiding officer). You must send a letter requesting intervention to the commission which is received by that date. The letter must include the person's name, address, email address and fax number if applicable.

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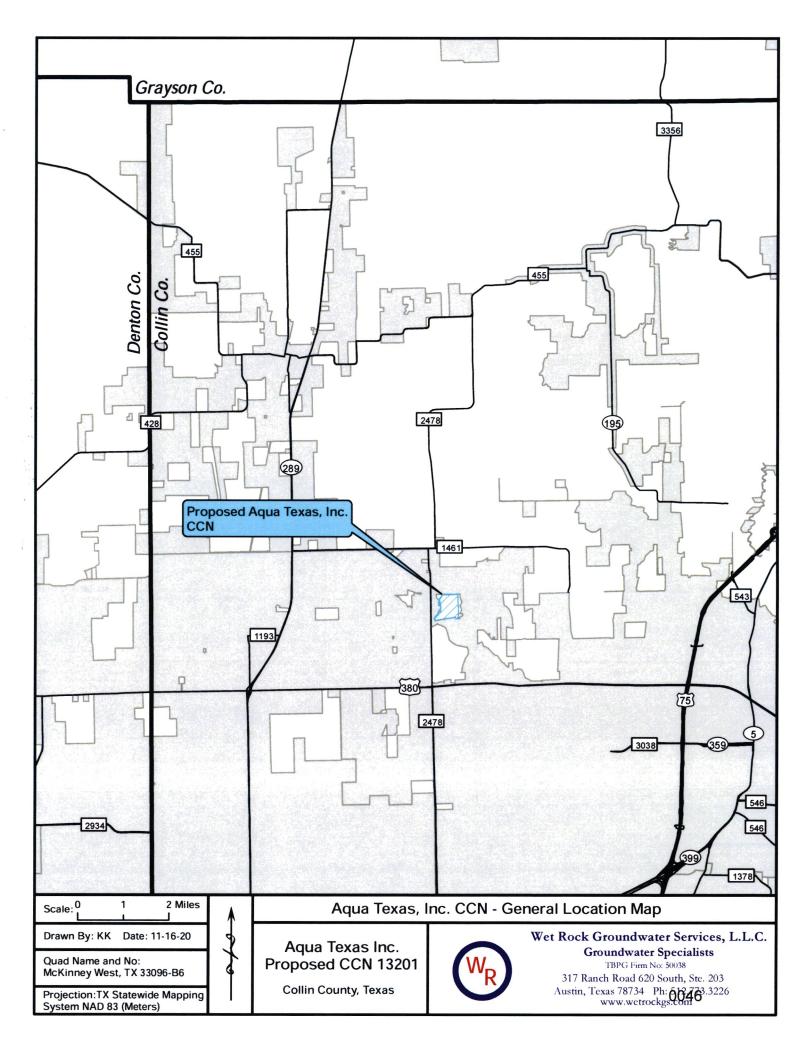
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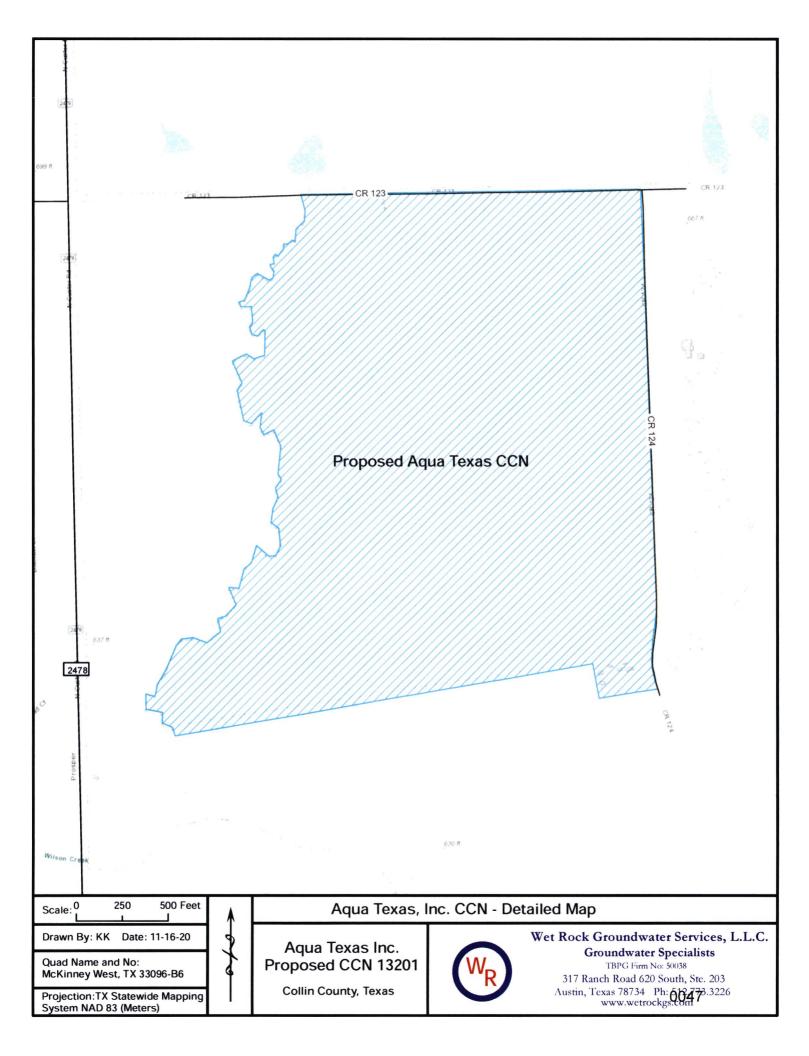


Exhibit "B"

Copies of Return Receipts for Notices sent Via Certified Mail in Docket No. 52172



