



## Filing Receipt

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**APPLICATION OF MOUNTAIN PEAK § PUBLIC UTILITY COMMISSION  
SPECIAL UTILITY DISTRICT TO §  
AMEND ITS CERTIFICATE OF § OF TEXAS  
CONVENIENCE AND NECESSITY IN §  
ELLIS AND JOHNSON COUNTIES §**

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

On August 23, 2021, Mountain Peak Special Utility District (Mountain Peak SUD) filed an application to amend its water certificate of convenience and necessity (CCN) in Ellis and Johnson Counties. Mountain Peak SUD holds water CCN No. 10908. Mountain Peak SUD filed supplemental information on October 25, 2021.

On November 29, 2021, the administrative law judge (ALJ) filed Order No. 3, establishing a deadline of January 19, 2022 for the Staff (Staff) of the Public Utility Commission of Texas (Texas) to file a recommendation on the sufficiency of the notice. Therefore, this pleading is timely filed.

**I. NOTICE**

Staff has reviewed the proof of notice submitted by Mountain Peak SUD and recommends that it be found sufficient under 16 Texas Administrative Code (TAC) § 24.235. On January 4, 2022, Mountain Peak SUD filed the affidavit of Randel Kirk, General Manager of Mountain Peak SUD, attesting that notice was mailed to the persons and entities identified in Staff’s supplemental recommendation, filed on November 23, 2021, using the notice form provided by Staff and the maps deemed sufficient by Staff. Mountain Peak SUD also provided the Publisher’s Affidavit of the Waxahachie Sun, a newspaper of general circulation in Ellis and Johnson Counties, stating that notice was circulated in said newspaper for two consecutive weeks on December 15 and December 22, 2021, along with the corresponding newspaper tear sheets.<sup>1</sup> Therefore, Staff recommends that the notice provided is sufficient.

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<sup>1</sup> Mountain Peak SUD’s Notice to Neighboring Utilities, Landowners, Political Subdivisions, and Others with Affidavit at 34-36 (Jan. 4, 2022).

## II. PROPOSED PROCEDURAL SCHEDULE

Staff proposes the following procedural schedule for the continued processing of this application:

<b>Event</b>	<b>Date</b>
Notice Completed	December 22, 2021
Deadline to intervene	January 21, 2022 <sup>2</sup>
Deadline for Staff to provide final maps, certificates, and tariffs (if applicable) to Mountain Peak SUD for review and consent	February 21, 2022
Deadline for Mountain Peak SUD to file signed consent forms with the Commission	March 7, 2022
If no hearing is requested, deadline for Staff to file a final recommendation on the application	March 21, 2022
If no hearing is requested, deadline for parties to file joint proposed findings of fact and conclusions of law	April 4, 2022

## III. CONCLUSION

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

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<sup>2</sup> Pursuant to 16 TAC § 24.235(a)(3), the intervention deadline is 30 days after the mailing or publication of notice, whichever occurs later. Notice was last published on December 22, 2021, Therefore, 30 days after December 22, 2021 is January 21, 2022.

Dated: January 19, 2022

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

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Division Director

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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 January 19, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Jenna Keller  
Jenna Keller