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DOCKET NO. 52551

PETITION OF BLACKLAND WATER	§	PUBLIC UTILITY COMMISSION
SUPPLY CORPORATION AND THE	§	
CITY OF ROCKWALL TO	§	OF TEXAS
DECERTIFICATE PORTIONS OF A	§	
CERTIFICATE OF CONVENIENCE	§	
AND NECESSITY UNDER TEXAS	§	
WATER CODE § 13.254(a) IN	§	
ROCKWALL COUNTY	§	

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

On September 10, 2021, Blackland Water Supply Corporation (Blackland WSC) and the City of Rockwall (Rockwall) (collectively, petitioners) filed a petition requesting approval of a service area agreement entered into between Blackland WSC and Rockwall under Texas Water Code (TWC) § 13.248; for amendment of Blackland WSC’s water Certificate of Convenience and Necessity (CCN) No. 11305 under TWC § 13.255(a); and for decertification of a portion of Blackland WSC’s certificated service area under TWC § 13.254(a) based on agreements between Blackland WSC and developers. On February 25, 2022, the administrative law judge (ALJ) filed Order No. 4, which severed the proceeding into two separate dockets. On March 25, 2022, the petitioners filed an amended petition in the instant docket, only addressing the issues from the original petition relevant to TWC § 13.254(a) and only including the agreements and maps to be reviewed under TWC § 13.254(a).

On May 23, 2022, the ALJ filed Order No. 6, which established a deadline of July 28, 2022 for the Staff (Commission Staff) of the Public Utility Commission of Texas (Commission) to make a recommendation on the sufficiency of notice and to propose a procedural schedule for further processing of this docket. Therefore, this pleading is timely filed.

I. SUFFICIENCY OF NOTICE

Staff has reviewed the proof of notice submitted by the petitioners and recommends that it be found sufficient. Under 16 TAC § 24.245(d)(2)(A), a retail public utility that files a written request with the Commission to amend its CCN by decertifying a portion of the service area must provide notice of its request to each customer and landowner within the affected service area of the utility. On June 14, 2022, the petitioners filed the affidavits of Mary Smith, City Manager for

Rockwall, and Scott Muckensturm, General Manager of Blackland WSC, attesting, respectively, that notice of the decertification was provided to each of Rockwall's customers in the requested area¹ and to Blackland WSC's single customer in the requested area.² Further, a list of each customer and landowner in the area to be decertified was included with the petitioners' June 14, 2022 filing, and notice was provided using a form developed by the petitioners in consultation with Commission Staff.³ The petitioners also filed a supplemental letter on July 27, 2022, confirming and clarifying that notice was provided to both customers *and landowners* within the requested area. Therefore, Commission Staff recommends that the petitioners' notice be found sufficient.

II. PROPOSED PROCEDURAL SCHEDULE

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

Event	Date
Notice Completed	June 27, 2022
Deadline to intervene	July 27, 2022
Deadline for Staff to provide final maps, certificates, and tariffs (if applicable) to the petitioners for review and consent	September 12, 2022
Deadline for the petitioners to file signed consent forms with the Commission	September 26, 2022
If no hearing is requested, deadline for Staff to file a final recommendation on the petition	October 10, 2022
If no hearing is requested, deadline for parties to file joint proposed findings of fact and conclusions of law	October 28, 2022

¹ The City of Rockwall will continue to provide retail water service to its existing customers after the decertification is completed.

² Big Tex Inc., Blackland WSC's single customer in the requested area, will remain Blackland WSC's customer after the decertification is completed.

³ Letter to Judge Burkhalter with Supplementation to the Proof of Notice (Jul. 14, 2022).

III. CONCLUSION

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

Dated: July 28, 2022

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 July 28, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Jenna Keller
Jenna Keller