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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	§	

**ORDER NO. 7
FINDING NOTICE INSUFFICIENT AND REQUIRING CLARIFICATION FROM THE
PETITIONERS**

In this proceeding, Blackland Water Supply Corporation seeks to decertify portions of its service area under its certificate of convenience and necessity (CCN). The City of Rockwall is apparently providing service to some or all of the areas that Blackland WSC seeks to decertify. In Order No. 5 filed on April 20, 2022, the administrative law judge (ALJ) directed Blackland WSC to, consistent with 16 Texas Administrative Code (TAC) § 24.245(d)(2)(A), provide notice of its petition to all of its current customers and all landowners within the areas for which decertification is sought. Blackland WSC previously represented that it had no current customers within the areas for which decertification is sought. Therefore, the ALJ expected that Blackland WSC would file proof that it had provided notice to all the landowners within the areas for which decertification is sought.

On July 14 and 27, 2022, Blackland WSC and Rockwall filed various documents related to notice. On July 28, 2022, Commission Staff recommended that notice be found sufficient. The ALJ is concerned, however, that the proof of notice documents filed by the petitioners raise more questions than they answer. First, they filed an “affidavit of notice to current customers” signed by a Rockwall representative. In other words, Rockwall provided notice of the petition to some of its customers. The ALJ does not understand how the fact that Rockwall provided notice to its customers demonstrates that Blackland WSC has satisfied the notice requirements of 16 TAC § 24.245(d)(2)(A).

Second, the petitioners filed an “affidavit of notice to current customers” signed by a Blackland WSC representative, indicating that the notice was sent to one of Blackland WSC’s customers, Big Tex Trailer World Inc. As mentioned above, Blackland WSC has previously represented in this proceeding that it has no customers in the areas for which it seeks

decertification. The cover letter for the proof of notice filed on June 14, 2022, indicates, however, that Big Tex is Blackland WSC's "single customer in the area," but that Big Tex "is not to be transferred through this proceeding." If Big Tex is not to be transferred, why was it sent notice? On the other hand, if Big Tex is not to be transferred, why is it "in the area" that Blackland WSC seeks to transfer?

Third, on June 27, 2022, legal counsel for Rockwall asserted that the notices were "provided to both customers and landowners within the areas subject to the joint petition."¹ It is unclear whether the notices were sent to *all* landowners within the subject area, or merely those landowners who also happen to be customers of either Rockwall or Blackland WSC. Moreover, the statement by legal counsel is not supported by the text of the affidavits.

For these reasons, the ALJ finds notice deficient at this time. By August 22, 2022, the petitioners must cure the notice deficiencies. They may attempt to cure the deficiencies by providing new notice or by providing new affidavits clarifying how the notice already provided is sufficient.

By September 6, 2022, Commission Staff must make a recommendation on the sufficiency of notice and propose a schedule for further processing.

Signed at Austin, Texas the 1st of August 2022.

PUBLIC UTILITY COMMISSION OF TEXAS



HUNTER BURKHALTER
CHIEF ADMINISTRATIVE LAW JUDGE

¹ Emphasis in original.