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Received - 2022-09-06 02:25:51 PM
Control Number - 52551
ItemNumber - 32

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

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 August 1, 2022, the ALJ filed Order No. 7, finding the proof of notice submitted by the petitioners on July 14 and 27, 2022 insufficient, requiring clarification from the petitioners related to specific issues with the provided notice, and establishing a deadline of September 6, 2022 for the Staff (Commission Staff) of the Public Utility Commission of Texas (Commission) to make a supplemental 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. RECOMMENDATION ON NOTICE

In Order No. 7, the ALJ asked for clarification from the petitioners on a few specific items, one of which concerned the provision of notice to Big Tex Trailer World Inc. (Big Tex), a customer of Blackland WSC. On August 22, 2022, the petitioners filed a letter with revised proof of notice

in response to Order No. 7, but the letter did not fully address the ALJ's request for clarification regarding Big Tex.¹ Commission Staff cannot move forward with a recommendation on notice until the petitioners file further clarification on the provision of notice to Big Tex. Such clarification should specifically address the ALJ's inquiries outlined in Order No. 7.² Therefore, Commission Staff respectfully requests that the petitioners be given a deadline of September 20, 2022 to file the requested clarification and that Staff be given a new deadline of September 27, 2022 to file its recommendation on sufficiency of notice.

II. CONCLUSION

For the reasons detailed above, Staff respectfully recommends that the petitioners be given a deadline of September 20, 2022 to file the requested clarification and that Staff be given a new deadline of September 27, 2022 to file its recommendation on sufficiency of notice. Staff respectfully requests the entry of an order consistent with the foregoing recommendations.

¹ See Letter to Chief ALJ Burkhalter regarding Petitioners' Proof of Notice in Response to Order No. 7 (Aug. 22, 2022).

² "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?" Order No. 7 (Aug. 1, 2022).

Dated: September 6, 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 September 6, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Jenna Keller
Jenna Keller