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DOCKET NO. 52616

APPLICATION OF AUS-TEX PARTS & SERVICES, LTD. AND RAILYARD UTILITY COMPANY LLC FOR SALE, TRANSFER, OR MERGER OF FACILITIES AND CERTIFICATE RIGHTS IN HAYS COUNTY	§ § § § § §	PUBLIC UTILITY COMMISSION OF TEXAS
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COMMISSION STAFF’S RECOMMENDATON ON SUFFICIENCY OF NOTICE

On September 17, 2021, Aus-Tex Parts & Services, Ltd. (Aus-Tex) and Railyard Utility Company LLC (Railyard Utility) (collectively, Applicants) filed an application for approval of the sale, transfer, or merger of facilities and certificate rights in Hays County. Specifically, Applicants are seeking approval of the sale and transfer of all facilities and service area under Aus-Tex’s sewer Certificate of Convenience and Necessity (CCN) No. 20875 to Railyard Utility. Railyard Utility is seeking to retain Aus-Tex’s sewer CCN No. 20875. The requested sewer service area consists of approximately 205.9 acres and 354 customer connections. Applicants filed supplemental information on November 10, 2021, November 23, 2021, and December 15, 2021.

On November 22, 2021, the administrative law judge (ALJ) filed Order No. 3, establishing a deadline of January 4, 2022 for the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a supplemental recommendation on the sufficiency of notice. Therefore, this pleading is timely filed.

I. SUFFICIENCY OF NOTICE

Staff has reviewed the proof of notice submitted by Applicants and recommends that it be found sufficient under 16 Texas Administrative Code (TAC) § 24.239(c). On December 17, 2021, Applicants filed the affidavit of Mia Natalino, General Manager of Railyard Utility, attesting that notice was mailed to the persons and entities identified in Staff’s supplemental recommendation, filed on November 22, 2021, using the notices provided by Staff and the maps deemed sufficient by Staff. Applicants attest that Railyard could not obtain addresses for, and therefore, did not provide notice to the following utilities: Cotton Center MUD 1, Cotton Center MUD 2, LaSalle MUD 1, La Salle MUD 4, La Salle MUD 5, Ranch at Clear Fork Creek MUD 1, and Ranch at Clear Fork Creed MUD 2. Applicants attest that the utilities that were not

provided notice are inactive utilities. Applicants also attest that Railyard did not provide notice to Grist Mill Utility Company, LLC because it is a utility affiliated with Railyard. Given these circumstances, Staff recommends that the notice provided is sufficient.

II. PROPOSED PROCEDURAL SCHEDULE

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

Event	Date
Notice Completed	December 10, 2021
Deadline to intervene	January 9, 2022 ¹
Deadline for Staff to request a hearing or file a recommendation on approval of the sale	February 28, 2022
Deadline for parties to file a response to Staff's recommendation on approval of the sale	March 14, 2022
Deadline for parties to file a joint motion to admit evidence and proposed order approving the sale and allowing the transaction to proceed	March 31, 2022
120-day deadline for the Commission to approve the sale or require a hearing	April 9, 2022 ²

III. CONCLUSION

For the reasons detailed above, Staff respectfully requests that Applicants' notice be found sufficient and that the proposed procedural schedule be adopted for further processing of this docket.

¹ Under 16 TAC § 24.239(b), the intervention period shall not be less than 30 days unless good cause is shown. Notice was mailed on December 10, 2021. Therefore, 30 days after December 10, 2021 is January 9, 2022.

² Under 16 TAC § 24.239(a) and (i), the deadline for Commission action is 120 days after the mailing or publication of notice, whichever occurs later. One hundred and twenty days after December 10, 2021 is April 9, 2022.

Dated: January 4, 2022

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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DOCKET NO. 52616

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 4, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Jenna Keller
Jenna Keller