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Received - 2022-02-14 09:07:10 AM

Control Number - 52632

ItemNumber - 11

DOCKET NO. 52632

APPLICATION OF THE TOWN OF	§	PUBLIC UTILITY COMMISSION
LAKESIDE AND THE CITY OF FORT	§	
WORTH FOR SALE, TRANSFER, OR	§	OF TEXAS
MERGER OF FACILITIES AND	§	
CERTIFICATE RIGHTS IN TARRANT	§	
COUNTY	§	

COMMISSION STAFF’S RECOMMENDATION ON SUFFICIENCY OF NOTICE

On September 23, 2021, the Town of Lakeside (Lakeside) and the City of Fort Worth (Fort Worth) (collectively, Applicants) filed an application for approval of the sale, transfer, or merger of facilities and certificate rights in Tarrant County. Specifically, Lakeside seeks approval to acquire facilities and to transfer water service area held under Fort Worth’s Certificate of Convenience and Necessity (CCN) No. 12311. Applicants filed supplemental information on September 30, 2021, November 18, 2021 and December 2, 2021.

On January 10, 2022, the administrative law judge filed Order No. 3, establishing a deadline of February 14, 2022, for Staff of the Public Utility Commission of Texas (Staff) to file a recommendation on the sufficiency of the Applicants’ notice. Therefore, this pleading is timely filed.

I. ADMINISTRATIVE COMPLETENESS

Staff has reviewed the notice affidavit filed by Applicants on March 29, 2021. Staff recommends that the Applicants’ proof of notice should be deemed insufficient. Under 16 Texas Administrative Code (TAC) § 24.239(c)(1), notice must be provided on the form prescribed by the Commission and contain the required information listed in 16 TAC 24.239(c)(1)(A)-(D). Staff cannot verify that the notice provided meets those requirements without a filed affidavit of indicating that notice was provided to all current customers, neighboring utilities, and affected parties via mail. Therefore, Staff recommends that the Applicants’ notice be deemed insufficient.

II. PROCEDURAL SCHEDULE

In accordance with its deficiency recommendation, Staff does not propose a procedural schedule for further processing of this docket. Instead, Staff recommends that the Applicants be ordered to file proof of notice March 14, 2022 and that Staff be given a deadline April 18, 2022 to file a supplemental recommendation on sufficiency of notice and propose a procedural schedule.

IV. CONCLUSION

Staff respectfully requests the entry of an order finding the Applicants' notice insufficient and that Applicants be directed to file proof of notice by March 14, 2022.

Dated: February 14, 2022

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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/s/ Mildred Anaele

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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 February 14, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Mildred Anaele

Mildred Anaele