



Filing Receipt

Received - 2022-03-04 11:41:50 AM

Control Number - 52880

ItemNumber - 26

DOCKET NO. 52880

APPLICATION OF TEXAS LANDING UTILITIES AND CSWR-TEXAS UTILITY OPERATING COMPANY, LLC FOR SALE, TRANSFER, OR MERGER OF FACILITIES AND CERTIFICATE RIGHTS IN POLK AND MONTGOMERY COUNTIES	§ § § § § §	PUBLIC UTILITY COMMISSION OF TEXAS
--	--	--

COMMISSION STAFF’S RECOMMENDATION ON SUFFICIENCY OF NOTICE

On November 22, 2021, Texas Landing Utilities (Texas Landing) and CSWR-Texas Utility Operating Company, LLC (CSWR Texas) (collectively, the Applicants) filed an application for approval of the sale, transfer, or merger of facilities and certificate rights in Polk and Montgomery Counties. Specifically, CSWR Texas seeks approval to acquire facilities and to transfer water and sewer service are held under Certificate of Convenience and Necessity (CCN) Nos. 11997 and 20569. The requested water area includes 310 water customer connections and approximately 844 acres of transferred area, the requested sewer area includes 119 sewer customer connections approximately 93 acres of transferred area. On December 14, 2021, December 21, 2021, December 22, 2022, January 12, 2022, January 13, 2022, January 27, 2022, the Applicants filed supplemental information.

On January 25, 2022, the administrative law judge (ALJ) filed Order No. 3, requiring the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a recommendation on sufficiency of notice by March 4, 2022. Therefore, this pleading is timely filed.

I. SUFFICIENCY OF NOTICE

Staff has reviewed the proof of notice submitted by the Applicants and recommends that it be found sufficient under 16 Texas Administrative Code (TAC) § 24.239(c). The proof of notice includes the affidavit of Aaron Silas, Regulatory Case Manager for CSWR-Texas, and attests that notice was provided to the neighboring utilities, affected parties, and current customers as required by Order No. 3 and 16 TAC § 24.239(c). Attached to the affidavit was a copy of the notice and map provided by the Applicants. The map shows the area under Texas Landing's water and sewer CCNs in Polk and Montgomery Counties that will be transferred to CSWR-Texas.

II. PROCEDURAL SCHEDULE

Staff recommends that the notice be deemed-sufficient. Therefore, Staff proposes the following procedural schedule:

Event	Date
Notice Completed	February 18, 2022
Deadline for intervention	March 21, 2022 ¹
Deadline for Staff to request a hearing or file a final recommendation on approval of the sale and CCN amendment	April 20, 2022
Deadline for Applicants to respond to Staff's recommendation	April 29, 2022
Deadline for parties to file a joint motion to admit evidence and proposed order approving sale and allowing transaction to proceed.	May 13, 2022
120-day deadline for the Commission to approve the sale or require a hearing	June 20, 2022 ²

III. CONCLUSION

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

¹ In accordance with 16 TAC § 24.239(b), the intervention period shall not be less than 30 days from the date notice is completed, unless good cause is shown. Thirty days after February 18, 2022 is March 20, 2022. The Commission is not open for business on March 20, 2022, therefore the deadline moves to the next day the Commission is open for business which is March 21, 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 February 18, 2022 is June 18, 2022. The Commission is not open for business on June 18, 2022, therefore the deadline moves to the next day the Commission is open for business which is June 20, 2022.

Dated: March 4, 2022

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Rachelle Nicolette Robles
Division Director

Rustin Tawater
Managing Attorney

/s/ Arnett D. Caviel
Arnett D. Caviel
State Bar No. 24121533
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7245
(512) 936-7268 (facsimile)
Arnett.Caviel@puc.texas.gov

DOCKET NO. 52880

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

/s/ Arnett D. Caviel
Arnett D. Caviel