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DOCKET NO. 53336

APPLICATION OF BIG EASY AGUA	§	PUBLIC UTILITY COMMISSION
LLC FOR A CERTIFICATE OF	§	
CONVENIENCE AND NECESSITY IN	§	OF TEXAS
COLORADO COUNTY	§	

COMMISSION STAFF'S SUPPLEMENTAL RECOMMENDATION ON NOTICE

On March 11, 2022, Big Easy Agua LLC (Big Easy) filed an application to obtain a water Certificate of Convenience and Necessity (CCN) in Colorado County. The requested service area consists of 1,039 acres and 0 connections.

On June 8, 2022, the administrative law judge filed Order No. 3 requiring the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a supplemental recommendation on sufficiency of notice by July 21, 2022. Therefore, this pleading is timely filed.

I. SUPPLEMENTAL RECOMMENDATION ON NOTICE

Staff has reviewed the proof of notice provided by Big Easy and recommends that notice is sufficient. On June 10, 2022, Big Easy provided an affidavit of notice dated April 13, 2022, and signed by Shelly Young, an engineer for Big Easy, that notice was provided on April 13, 2022, to all current customers, neighboring utilities, affected landowners, and political subdivisions, as well as the maps that were attached to the provided notice. On June 10, 2022, Big Easy also filed a publisher's affidavit and tear sheets showing that notice was published in the Colorado County Citizen, a daily newspaper of general circulation, published and generally circulated in Colorado County, on April 20 and 27, 2022. These affidavits, however, were filed on June 10, 2022, which is not within 30 days of the date of notice, as required by 16 Texas Administrative Code (TAC) § 24.235(b)(4). Nevertheless, Staff contends that good cause exists to waive the 30-day requirement found in 16 TAC § 24.235.

Under 16 TAC § 24.2(b), the commission may make exceptions to Chapter 24 rules for good cause. On July 10 and 19, 2022, Big Easy explained that it was unable to file its affidavits within 30 days, because the newspaper in which notice was published originally returned an incorrect publisher's affidavit to Big Easy, and the newspaper did not re-send the affidavit until the beginning of June. Big Easy claims that it filed the publisher's affidavit, as well as the affidavit of notice, as soon as it received the publisher's affidavit from the newspaper. Accordingly, Staff

contends that good cause exists for an exception to the 30-day requirement in 16 TAC § 24.235(b)(4). Therefore, Staff recommends that the notice provided by Big Easy be deemed sufficient for the further processing of this matter.

II. CONCLUSION

For the reasons detailed above, Staff recommends that good cause exists for an exception to the 30-day requirement in 16 TAC § 24.235(b)(4) and that notice provided by Big Easy be found to be sufficient for the further processing of this matter. Staff respectfully requests an order consistent with these recommendations.

Dated: July 21, 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 July 21, 2022, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/Ian Groetsch
Ian Groetsch