



Filing Receipt

Received - 2022-07-21 03:37:27 PM

Control Number - 53336

ItemNumber - 11

DOCKET NO. 53336

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

**ORDER NO. 4
FINDING NOTICE SUFFICIENT AND REQUIRING PROCEDURAL SCHEDULE**

This Order addresses the sufficiency of Big Easy Agua LLC’s proof of notice. On July 21, 2022, Commission Staff filed a recommendation regarding Big Easy’s provision of notice.

On June 10, 2022, Big Easy provided an affidavit of notice dated April 13, 2022, and signed by Shelly Young, attesting 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 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, Commission 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 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.

The administrative law judge finds the notice sufficient and grants the good cause exception. By August 5, 2022, Commission Staff must file a proposed procedural schedule for continued processing.

Signed at Austin, Texas the 21st day of July 2022.

PUBLIC UTILITY COMMISSION OF TEXAS

A handwritten signature in black ink, appearing to read "Christina Denmark", written in a cursive style.

**CHRISTINA DENMARK
ADMINISTRATIVE LAW JUDGE**