



## Filing Receipt

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**DOCKET NO. 53709**

<b>APPLICATION OF CSWR-TEXAS</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>UTILITY OPERATING COMPANY,</b>	<b>§</b>	
<b>LLC AND GEORGE FULLER,</b>	<b>§</b>	
<b>EXECUTOR OF THE ESTATE OF</b>	<b>§</b>	<b>OF TEXAS</b>
<b>VIRGINIA FULLER, FOR SALE,</b>	<b>§</b>	
<b>TRANSFER, OR MERGER OF</b>	<b>§</b>	
<b>FACILITIES IN LUBBOCK COUNTY</b>	<b>§</b>	

**COMMISSION STAFF’S RECOMMENDATION ON SUFFICIENCY OF NOTICE**

**I. INTRODUCTION**

On June 13, 2022, CSWR-Texas Utility Operating Company, LLC (CSWR-Texas) and George Fuller (Mr. Fuller), executor of the estate of Virginia Fuller, (collectively, Applicants) filed an application for approval of the sale, transfer, or merger of facilities and certificate of convenience and necessity (CCN) rights in Lubbock County. CSWR-Texas filed supplemental information on June 14, June 20, June 27, August 16, and September 1, 2022.

On October 14, 2022, the administrative law judge (ALJ) filed Order No. 5, establishing a deadline of November 14, 2022, for Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a recommendation on the sufficiency of the Applicants’ notice. Therefore, this pleading is timely filed.

**II. RECOMMENDATION ON SUFFICIENCY OF NOTICE**

Staff has reviewed the affidavit of mailed notice filed by CSWR-Texas on November 1 and 2, 2022. Staff recommends that CSWR-Texas’s proof of notice should be deemed sufficient. Notice was mailed to current customers, neighboring utilities, and affected parties on October 28, 2022, which included the parties listed in Staff’s recommendation on administrative completeness filed on October 3, 2022. In addition, Staff was able to verify that the notice provided meets the requirements of 16 Texas Administrative Code (TAC) § 24.239(c) with the example of the notice mailed to the individuals listed in the proof of notice provided in CSWR-Texas’s filing. Therefore, the notice substantially meets the requirements of 16 TAC § 24.239(c), and Staff recommends that CSWR Texas’s proof of notice should be deemed sufficient.

### III. PROCEDURAL SCHEDULE

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

Event	Date
Notice completed	October 28, 2022
Deadline for intervention	November 28, 2022 <sup>1</sup>
Deadline for Staff to request a hearing or file a recommendation on the approval of the sale and on the CCN amendment	December 29, 2022
Deadline for parties to file a response to Staff's recommendation	January 12, 2023
Deadline for parties to file a joint motion to admit evidence and proposed order approving the sale and allowing the transaction to proceed	January 26, 2023
120-day deadline for the Commission to approve the sale or require a hearing	February 27, 2022 <sup>2</sup>

### IV. CONCLUSION

Staff respectfully requests the entry of an order finding the notice sufficient and adoption of the above proposed procedural schedule.

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<sup>1</sup> Pursuant to 16 TAC § 24.239(b), the intervention period shall not be less than 30 days unless good cause is shown. Notice was completed on October 28, 2022. Therefore, 30 days after October 28, 2022, is November 27, 2022. Under 16 TAC § 22.4(a), if the Commission is not open for business on the date of the deadline, the deadline moves until the end of the next day on which the Commission is open for business. As November 27, 2022, is a Sunday, the deadline for interventions moves to the next business day, Monday, November 28, 2022.

<sup>2</sup> Pursuant to 16 TAC §§ 24.239(a) and (j), the deadline for Commission action is 120 days after the mailing or publication of notice, whichever occurs later. One hundred and twenty days after October 28, 2022, is February 25, 2022. As February 25, 2022, falls on a weekend, the deadline is moved to the next business day, February 27, 2022, per 16 TAC § 22.4(a).

Dated: November 14, 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 November 14, 2022, in accordance with the Second Order Suspending Rules, filed in Project No. 50664.

/s/ Margaux Fox  
Margaux Fox