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APPLICATION OF TEXAS WATER UTILITIES, LP AND CREEK WATER UTILITY LLC FOR SALE, TRANSFER, OR MERGER OF FACILITIES AND CERTIFICATE RIGHTS MARION COUNTY PUBLIC UTILITY COMMISSION

OF TEXAS

ORDER NO. 20 REQUIRING CLARIFICATION ON NOTICE AND SUPPLEMENTAL RECOMMENDATION

On November 21, 2022, Texas Water Utilities, LP filed proof of notice in the form of an affidavit, which referenced a confidential list of various individuals by name and address to whom notice was sent.

In light of Commissioner Jackson's memorandum in Docket No. 51651, ¹ the administrative law judge requires Texas Water Utilities to confirm by affidavit that notice has been mailed by first class mail to each owner of a tract of land that is at least 25 acres and is wholly or partially included in the area proposed to be certified according to the most current tax appraisal rolls of the applicable central appraisal district at the time the Commission received the application for the amendment. Proof of notice that includes the names and mailing address, but does not identify which tracts of land in the requested area are at least 25 acres and who owns those tracts of land is not sufficient evidence of notice, as required under Texas Water Code (TWC) § 13.246(a-1) and 16 Texas Administrative Code (TAC) § 24.235(b)(2).² The evidentiary record must show which tracts of land in the requested area are at least 25 acres and who owns those tracts.³

By June 1, 2023, Texas Water Utilities must file (1) an affidavit that notice has been mailed by first class mail to each owner of a tract of land that is at least 25 acres and is wholly or partially included in the area proposed to be certified according to the most current tax appraisal rolls of the

¹ Application of Waters of Vista Ranch Water Supply Corporation and Aqua Water Supply Corporation for Sale, Transfer, or Merger of Facilities and Certificate Rights in Fayette County, Docket No. 51646, Commissioner Jackson Memorandum (May 10, 2023).

 $[\]frac{2}{3}$ *Id.* at 2.

³ Id.

applicable central appraisal district at the time the Commission received the application and (2) evidence showing which tracts of land in the requested area are at least 25 acres and who owns those tracts.

By June 15, 2023, Commission Staff must file a recommendation on the sufficiency of the supplemental notice.

Signed at Austin, Texas the 20th day of April 2023.

PUBLIC UTILITY COMMISSION OF TEXAS

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CHRISTINA DENMARK ADMINISTRATIVE LAW JUDGE

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