



## Filing Receipt

**Received - 2023-03-14 02:21:27 PM**

**Control Number - 53934**

**ItemNumber - 32**

**DOCKET NO. 53934**

<b>APPLICATION OF CSWR-TEXAS</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>UTILITY OPERATING COMPANY,</b>	<b>§</b>	
<b>LLC AND OAK HILL ESTATES</b>	<b>§</b>	
<b>WATER COMPANY, LLC FOR SALE,</b>	<b>§</b>	<b>OF TEXAS</b>
<b>TRANSFER, OR MERGER OF</b>	<b>§</b>	
<b>FACILITIES AND CERTIFICATE</b>	<b>§</b>	
<b>RIGHTS IN HARRIS COUNTY</b>	<b>§</b>	

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

**I. INTRODUCTION**

On August 5, 2022, CSWR-Texas Utility Operating Company (CSWR-Texas) and Oak Hill Estates Water Company, LLC filed an application for the sale and transfer of facilities and certificate rights in Harris County.

On February 27, 2023, the administrative law judge (ALJ) filed Order No. 7, directing the Staff (Staff) of the Public Utility Commission of Texas to file a supplemental recommendation on the sufficiency of notice specifically addressing concerns raised by the ALJ by March 14, 2023. Therefore, this pleading is timely filed.

**II. SUPPLEMENTAL RECOMMENDATION ON NOTICE**

In Order No. 7, the ALJ directed parties to address the ALJ’s concern that using “Pine Grove, TX” as a city of reference may be ambiguous and cause confusion given that there are multiple unincorporated communities named “Pine Grove” in Texas.<sup>1</sup> Staff has taken the ALJ’s concerns into consideration when re-reviewing the proof of notice provided by CSWR-Texas and, as supported in the attached memorandum from Patricia Garcia of the Infrastructure Division, recommends that notice need not be reissued. As noted in Ms. Garcia’s memorandum, the mailed notice documents included a Staff-reviewed maps that demonstrated that the requested area and unincorporated town of Pine Grove, Texas are located in Harris County. Furthermore, the written description of the requested area, along with the heading of the notice documents, provide more clarity that the requested area and unincorporated town of Pine Grove, Texas is located in Harris

---

<sup>1</sup> Order No. 7 Requiring Clarification as to Notice and Supplemental Recommendation (Feb. 27, 2023).

County. Therefore, Staff contends that the inclusion of Pine Grove, Texas in the notice documents is not ambiguous and that the original notice mailed on September 16, 2022, remains sufficient.

### III. CONCLUSION

For the reasons detailed above, Staff respectfully recommends that CSWR-Texas does not need to reissue notice.

Dated: March 14, 2023

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Marisa Wagley  
Interim Division Director

John Harrison  
Managing Attorney

/s/ Ian Groetsch  
Ian Groetsch  
State Bar No. 24078599  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326  
(512) 936-7465  
(512) 936-7268 (facsimile)  
Ian.Groetsch@puc.texas.gov

**DOCKET NO. 53934**

**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 14, 2023, in accordance with the Second Order Suspending Rules, issued in Project No. 50664.

*/s/ Ian Groetsch* \_\_\_\_\_

Ian Groetsch

# *Public Utility Commission of Texas*

---

## **Memorandum**

**TO:** Ian Groetsch, Attorney  
Legal Division

**FROM:** Patricia Garcia, Infrastructure Analysis Section Director  
Infrastructure Division

**DATE:** March 14, 2023

**RE:** Docket No. 53934 – *Application of CSWR-Texas Utility Operating Company, LLC and Oak Hill Estates Water Company, LLC for Sale, Transfer, or Merger of Facilities and Certificate Rights in Harris County*

---

On August 5, 2022, CSWR-Texas Utility Operating Company, LLC (CSWR-Texas) and Oak Hill Estates Water Company, LLC (Oak Hill) (collectively, Applicants) filed an application for sale, transfer, or merger (STM) of facilities and certificate rights in Harris County, Texas, under Texas Water Code (TWC) § 13.301 and 16 Texas Administrative Code (TAC) § 24.239.

Specifically, CSWR-Texas, water Certificate of Convenience and Necessity (CCN) No. 13290, seeks approval to acquire facilities and to transfer all of the water service area from Oak Hill under water CCN No. 12861.

On February 27, 2023, the administrative law judge (ALJ) requested clarification regarding the use of “Pine Grove” as a reference in the notice issued in this docket. Based on the mapping review by Dave Babicki, Infrastructure Division, Pine Grove was determined as the closest city or town located nearest to the requested area. Mr. Babicki used data acquired from the Texas Department of Transportation’s Transportation Planning and Programming Division data to locate Pine Grove as an unincorporated town in Harris County, Texas. The notice documents drafted by Staff included reference to the written description for the general location of the requested area in reference to the north, east, south, and west of verifiable natural and man-made landmarks. Staff ensured the maps approved during administrative review would support the written description for the general location of the requested area provided in the notice documents. On September 6, 2022, Staff instructed CSWR-Texas to mail notice documents drafted by staff to be accompanied by the maps that Staff deemed sufficient during the administrative review of the application. CSWR-Texas provided evidence they mailed the approved notice documents including the written general location of the requested area, along with the approved maps to the required entities on September 20, 2022. The maps used for notice and the heading of the notice document indicates that the application involves a requested area located in Harris County, Texas. In addition, Staff confirms the maps

and notice documents together identifies the location of the requested area in reference to the unincorporated town of Pine Grove, Texas located within Harris County. Therefore, it is Staff's opinion that the Pine Grove located in Harris County is not ambiguous or easily confused by those receiving notice of this docket with the Pine Grove that is also located in Cherokee, Henderson, and Orange counties.

Staff recommends that CSWR-Texas does not need to reissue notice due to Staff using the unincorporated town of Pine Grove, Texas in Harris County as the reference in the notice provided to CSWR-Texas for distribution.