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DOCKET NO. 53936

APPLICATION OF STONETOWN	§	PUBLIC UTILITY COMMISSION
SPRING OAKS UTILITIES, LLC AND	§	
TRINITY SO PTN LP FOR SALE,	§	OF TEXAS
TRANSFER, OR MERGER OF	§	
FACILITIES AND CERTIFICATE	§	
RIGHTS IN HARRIS COUNTY	§	

**ORDER NO. 11
REQUIRING CLARIFICATION ON NOTICE AND SUPPLEMENTAL
RECOMMENDATION**

This Order addresses the need for clarification on notice in light of Commissioner Jackson's memorandum in Docket No. 51646.¹ In proceedings involving an application for the sale, transfer, or merger (STM) of facilities and certificate rights, notice must be 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 requested area according to the most current tax appraisal rolls of the applicable central appraisal district at the time the Commission received the STM application. 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 § 13.246(a-1) and 16 Texas Administrative Code § 24.235(b)(2).²

In this case, Stonetown Springs Oaks Utility, LLC, filed an affidavit on November 3, 2022, attesting that notice was provided to various entities and individuals, as identified in a list attached to the affidavit. While the attached list identified individuals and entities and their mailing address, it did not identify tracts of land that are at least 25 acres and are wholly or partially in the requested area nor does the record show who owns those tracts.

Accordingly, by June 16, 2023, Stonetown Spring Oaks Utility must file 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 requested area according to the most current tax appraisal rolls of the applicable central appraisal district at the time the Commission received the application

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).

² *Id.* at 2.

for the STM of facilities and certificate rights. If there are no landowners with a tract of land that is at least 25 acres and is wholly or partially included in the requested area, Stonetown Spring Oaks Utility must file an affidavit confirming the same. Concurrently, Stonetown Spring Oaks Utility must file a motion to admit the affidavit.

By June 30, 2023, Commission Staff must file a recommendation on the sufficiency of the supplemental notice.

Signed at Austin, Texas the 30th day of May 2023.

PUBLIC UTILITY COMMISSION OF TEXAS

A handwritten signature in black ink, appearing to read 'Isaac TA', written over a horizontal line.

ISAAC TA

ADMINISTRATIVE LAW JUDGE

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