



## **Filing Receipt**

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**Item Number - 12**

**DOCKET NO. 54429**

**APPLICATION OF PALO DURO § PUBLIC UTILITY COMMISSION**  
**SERVICE COMPANY, INC. AND THE §**  
**CITY OF HUDSON OAKS FOR SALE, § OF TEXAS**  
**TRANSFER, OR MERGER OF §**  
**FACILITIES AND CERTIFICATE §**  
**RIGHTS IN PARKER COUNTY §**

**ORDER NO. 5**  
**REQUIRING CLARIFICATION ON NOTICE AND**  
**SUPPLEMENTAL RECOMMENDATION**

On April 6, 2023, The City of Hudson Oaks filed an affidavit attesting that notice was provided to customers of Palo Duro Service Company, Inc. and various entities and individuals, as identified in a list attached to the affidavit. The attached list identified individuals and entities and their mailing address. The proof of notice provided in this proceeding does 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.

In light of Commissioner Jackson's memorandum in Docket No. 51651,<sup>1</sup> the administrative law judge requires Hudson Oaks 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).<sup>2</sup> The evidentiary record must show which tracts of land in the requested area are at least 25 acres and who owns those tracts.<sup>3</sup>

By May 31, 2023, Hudson Oaks 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

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<sup>1</sup> *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).

<sup>2</sup> *Id.* at 2.

<sup>3</sup> *Id.*

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 and (2) evidence showing which tracts of land in the requested area are at least 25 acres and who owns those tracts.

By June 5, 2023, Commission Staff must file a recommendation on the sufficiency of the supplemental notice.

At this time, the deadlines established in Order No. 4 will remain in effect.

**Signed at Austin, Texas the 18th day of May 2023.**

**PUBLIC UTILITY COMMISSION OF TEXAS**



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**CHRISTINA DENMARK  
ADMINISTRATIVE LAW JUDGE**