



## **Filing Receipt**

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<b>APPLICATION OF FOREST GLEN</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>UTILITY COMPANY TO AMEND ITS</b>	<b>§</b>	
<b>CERTIFICATE OF CONVENIENCE</b>	<b>§</b>	<b>OF TEXAS</b>
<b>AND NECESSITY IN MEDINA</b>	<b>§</b>	
<b>COUNTY</b>	<b>§</b>	

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

On December 16, 2022, Forest Glen Utility Company (Forest Glen) filed an application to amend its sewer certificate of convenience and necessity (CCN) number 21070 in Medina County, Texas under Texas Water Code (TWC) §§ 13.242 through 13.250 and 16 Texas Administrative Code (TAC) §§ 24.225 through 24.237. Forest Glen supplemented the application on December 19, 2022, February 16, 2023, March 2, 2023, March 3, 2023 and May 30, 2023.

On June 21, 2022, the administrative law judge (ALJ) filed Order No. 5, directing the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a supplemental recommendation on the sufficiency of notice and propose a procedural schedule by June 28, 2023. Therefore, this pleading is timely filed.

**I. SUFFICIENCY OF NOTICE**

Forest Glen filed an Affidavit of Notice to Current Customers, Landowners, Neighboring Utilities, and Affected Parties on April 20, 2023, indicating that notice was sent on March 30, 2023 and April 4, 2023. Forest Glen also attached a list of the individuals and entities to whom notice was provided and included a copy of the notice and a copy of the maps. The notice map Forest Glen used includes a different CCN which is not allowed on notice maps because in doing so the map does not clearly show the four requested areas to be amended in this application. On March 3, 2023, Item #9, Forest Glen submitted maps that Staff deemed sufficient during administrative review. These are the maps that should have been provided with notice.

Additionally, Forest Glen filed a Publisher's Affidavit on April 6, 2023, indicating that notice was published in a newspaper of general circulation in Medina County through the Hondo Anvil Herald on March 30, 2023 and April 4, 2023. Forest Glen also filed the newspaper tear sheets to demonstrate publication. Forest Glen filed these affidavits within 30 days of providing individual and published notice. However, the published maps in the newspaper tear sheet shows

the boundaries of the requested area differently than the maps submitted in AIS Item #9 and recommended sufficient by Staff on March 16, 2023. Forest Glen has not submitted documentation pertaining to re-issued notice. The applicants need to re-issue the notice by using the maps submitted in AIS Item # 9 which were deemed sufficient by Staff. As such, Staff recommends that notice be found deficient under 16 Texas Administrative Code (TAC) § 24.235.

## **II. PROCEDURAL SCHEDULE**

In accordance with Staff recommendation that notice be found deficient, Staff is not proposing a procedural schedule at this time.

## **III. CONCLUSION**

For the reasons detailed above, Staff respectfully recommends that the notice be found deficient. Staff respectfully requests the entry of an order consistent with these recommendations.

Dated: June 27, 2023

Respectfully submitted,

### **PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION**

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Division Director

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**CERTIFICATE OF SERVICE**

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document will be provided to all parties of record via electronic mail on June 27, 2023, in accordance with the Second Order Suspending Rules, issued in Project No. 50664.

/s/ Marisa Lopez Wagley  
Marisa Lopez Wagley