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

**COMMISSION STAFF'S SUPPLEMENTAL 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 filed supplemental information on December 19, 2022, February 16, 2023, March 2, 2023, March 3, 2023, May 30, 2023, and August 28, 2023.

On July 31, 2023, the administrative law judge (ALJ) filed Order No. 7, directing the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a supplemental recommendation on the sufficiency of the notice, including whether a good cause waiver of the timing requirements for 16 TAC § 24.235(c) by September 11, 2023. Therefore, this pleading is timely filed.

I. SUPPLEMENTAL RECOMMENDATION ON SUFFICIENCY OF NOTICE

On August 28, 2023, Forest Glen filed their supplemental documentation of the republished notice. Staff has reviewed Forest Glen's filed supplemental documentation and recommends that the republished notice be deemed sufficient. Staff notes that Forest Glen properly included an affidavit specifying the name and address of every person and entity to whom notice was provided, and a copy of the map provided with the notice. Forest Glen also provided a completed publisher's affidavit and a copy of the newspaper tear sheets demonstrating publication.

Staff further recommends that a good cause waiver of 16 TAC §24.235(c) exists because the failure to publish the second notice on July 27, 2023 was an error by the publication and outside of the Applicant's control. Additionally, it was a harmless error, as the affected CCN area has no customers.

II. CONCLUSION

For the reasons detailed above, Staff recommends that the republished notice be deemed sufficient and respectfully requests the entry of an order consistent with these recommendations.

Dated: September 8, 2023

Respectfully submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

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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 2023-09-08 in accordance with the Second Order Suspending Rules, issued in Project No. 50664.

/s/ Rachel Seshan
Rachel Seshan