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DOCKET NO. 54488

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

ORDER NO. 8

**FINDING PUBLISHED NOTICE, AS SUPPLEMENTED, SUFFICIENT, GRANTING
GOOD CAUSE WAIVER, AND FINDING NOTICE TO LANDOWNERS, NEIGHBORING
UTILITIES, AND AFFECTED PARTIES REMAINS DEFICIENT**

This Order addresses the sufficiency of the notice provided by Forest Glen Utility Company.

On April 20, 2023, Forest Glen filed the affidavit of Mia Natalino, general manager and vice president for Forest Glen, attesting that notice was provided to landowners, neighboring utilities, and affected parties on March 30 and April 4, 2023. Forest Glen also filed a publisher's affidavit attesting to the publication of notice in the *Hondo Anvil Herald*, a newspaper with general circulation in Medina County, on March 30 and April 6, 2023.

On May 30, 2023, Forest Glen filed the affidavit of Ms. Natalino, attesting that notice was provided to landowners owning tracts of land over 25 acres wholly or partly inside the requested area on April 4, 2023.

On June 27, 2023, Commission Staff filed a recommendation on the notice provided to landowners, neighboring utilities, and affected parties and the published notice stating that Forest Glen's notice included the incorrect maps.

In Order No. 6 filed on June 29, 2023, the administrative law judge (ALJ) found the notice deficient and required Forest Glen to re-issue notice using the correct maps.

On August 28, 2023, Forest Glen filed proof of republished notice in the *Hondo Anvil Herald*, on August 3 and 10, 2023. Forest Glen requested a good cause waiver for the timing requirements for publication under 16 Texas Administrative Code (TAC) § 24.235(c). Forest Glen states that it previously paid the *Hondo Anvil Herald* to publish notice on July 17 and 27, 2023; however, the *Hondo Anvil Herald* overlooked the second publication on July 27, 2023. Therefore, Forest Glen requested re-publication on August 3 and 10, 2023. Forest Glen also states it provided notice to the Office of Public Utility Counsel. The requested area does not contain any customers. On August 28,

2023, Forest Glen did not address re-issuing notice to landowners, neighboring utilities, and affected parties using the correct maps.

On September 8, 2023, Commission Staff filed a recommendation regarding the sufficiency of notice. Commission Staff further recommended a good cause waiver of 16 TAC §24.235(c).

The administrative law judge (ALJ) finds the published notice, as supplemented, sufficient and grants the good cause waiver of the timing requirements for publication under 16 TAC §24.235(c).

The ALJ finds that notice to landowners, neighboring utilities, and affected parties remains deficient.

By September 22, 2023, Forest Glen must provide proof of re-issued notice to landowners, neighboring utilities, and affected parties, which include the correct maps.

By October 6, 2023, Commission Staff must provide a supplemental recommendation on notice.

Signed at Austin, Texas the 12th day of September 2023.

PUBLIC UTILITY COMMISSION OF TEXAS

A handwritten signature in black ink, appearing to read "Christina Denmark", written over a horizontal line.

**CHRISTINA DENMARK
ADMINISTRATIVE LAW JUDGE**