



## Filing Receipt

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**DOCKET NO. 54546**

<b>APPLICATION OF TEXAS WATER UTILITIES, LP AND WOODLAND OAKS UTILITY LP FOR SALE, TRANSFER, OR MERGER OF FACILITIES AND CERTIFICATE RIGHTS IN MONTGOMERY COUNTY</b>	<b>§ § § § § §</b>	<b>PUBLIC UTILITY COMMISSION      OF TEXAS</b>
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**COMMISSION STAFF’S RESPONSE TO ORDER NO. 4**

**I. INTRODUCTION**

On January 4, 2023, Texas Water Utilities, LP (TWU) and Woodland Oaks Utility, LP (Woodland Oaks) (collectively, the Applicants) filed an application for the sale, transfer, or merger (STM) of facilities and certificate rights in Montgomery County under the provisions of Texas Water Code (TWC) § 13.301 and 16 Texas Administrative Code (TAC) § 24.239. On February 8, 2023, the Applicants amended the application for Woodland Oaks to request approval of a name change, so that the Commission can update Woodland Oaks’ name on its water and sewer certificates of convenience and necessity (CCN) and tariffs from Woodland Oaks Utility Company, Inc. to Woodland Oaks Utility, LP.

On February 10, 2023, the Staff (Staff) of the Public Utility Commission of Texas (Commission) filed comments on the administrative completeness of the name change request, proposed notice of the name change, and a recommendation regarding how to proceed with the application. On February 13, 2023, the administrative law judge (ALJ) filed Order No. 4, establishing a deadline of February 17, 2023 for Woodland Oaks to clarify the name under which it has been conducting business since converting to a Texas limited partnership—whether Woodland Oaks Utility Company, Inc. or Woodland Oaks Utility, LP appears on customer bills—and for Staff to file comments on the feasibility of including notice of the proposed name change as follows: (1) as part of the notice of the application for approval of the sale, transfer, or merger of facilities and certificate rights; and (2) via bill insert or emailed notice, if customers have consented to receiving bills electronically. Therefore, this pleading is timely filed.

## II. RESPONSE TO ORDER NO. 4

Staff recommends that, under the circumstances of this name change request, it would be feasible for notice of the proposed name change to be part of the notice of the STM application and provided via bill insert or emailed notice to customers. Specifically, Staff interprets the ALJ's request for comments to consider whether notice of the name change requires publication through the *Texas Register*. While Staff acknowledges that past Commission practice and precedent has required such notice by the finding that it provides reasonable notice to affected persons under 16 TAC § 22.55, the circumstances in this proceeding should not require notice to be provided in the *Texas Register*. As Staff understands, in addition to customers, other persons affected by the name change may be entities who would have a justiciable interest to intervene on the name change request, such as those with similar names that would want to contest the name change. After a preliminary review of the Commission's database, the Water Utility Database, and the Texas Secretary of State's website, Staff could not find any other entity with a similar name that included the word "Utility" within the name. In addition, Staff notes that the certificate of conversion has been on file with the Secretary of State since September 28, 2009. Given these two facts, Staff recommends that the *Texas Register* notice would likely serve little purpose in this proceeding insofar as it would intend to give notice to other similarly named entities that would have a justiciable interest to intervene on the name change request.

Based on the foregoing, Staff revises the proposed procedural schedule filed on February 10, 2023, to remove the proposal for notice of the name change to be published in the *Texas Register*. In addition, despite Woodland Oaks' response to Order No. 4 filed on February 16, 2023, in which Woodland Oaks indicates that it has been conducting business under the name of "Woodland Oaks Utility Co" on its customer bills, Staff continues to recommend that the docket, including the docket styling, the notice of the proposed name change, the notice of the STM application, and the maps provided with the STM notice, use the name of Woodland Oaks Utility, LP moving forward. Notably, this is consistent with Staff's prior guidance and agreement with the Applicants and Staff does not see the necessity to restyle the docket to use Woodland Oaks Utility Company, Inc., as Staff and the Applicants intend to ensure that the proposed notice forms for the STM application and name change request, as well as any customer bill inserts or emails, clearly identify that the requested name change to update the Commission's records has not yet been approved by the Commission.

### III. CONCLUSION

For the reasons discussed above, Staff respectfully revises its recommendation on notice of the name change request. Additionally, Staff respectfully continues to request the entry of an order finding the name change request sufficient, adopting the previously proposed procedural schedule, as modified above, and restyling the docket, as previously requested in Staff's filing on February 10, 2023.

Date: February 17, 2023

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Keith Rogas  
Division Director

Sneha Patel  
Managing Attorney

/s/ Scott Miles  
Scott Miles  
State Bar No. 24098103  
Margaux Fox  
State Bar No. 24120829  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326  
(512) 936-7228  
(512) 936-7268 (facsimile)  
Scott.Miles@puc.texas.gov

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**CERTIFICATE OF SERVICE**

I certify that unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on February 17, 2023 in accordance with the Second Order Suspending Rules, filed in Project No. 50664.

/s/ Scott Miles  
Scott Miles