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APPLICATION OF TEXAS WATER UTILITIES, LP AND WOODLAND OAKS UTILITY LP FOR SALE, TRANSFER, OR MERGER OF FACILITIES AND CERTIFICATE RIGHTS AND FOR A NAME CHANGE TO CERTIFICATES OF CONVENIENCE AND NECESSITY IN MONTGOMERY COUNTY	§	PUBLIC UTILITY COMMISSION
	§	
	§	OF TEXAS
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COMMISSION STAFF'S RECOMMENDATION ON SUFFICIENCY OF NOTICES AND NAME CHANGE REQUEST

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 March 13, 2023, the administrative law judge (ALJ) filed Order No. 5, directing the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a recommendation on the sufficiency of notices of the STM application and name change request by April 14, 2023. Therefore, this pleading is timely filed.

II. RECOMMENDATION ON NOTICES

Staff has reviewed the notices filed by TWU and recommends that the notice is sufficient. Specifically, TWU provided an affidavit of notice dated March 30, 2023, signed by Brian Bahr, Director of Rates and Regulatory Affairs at TWU, that notice was provided on March 21, 2023, to its current customers, neighboring utilities, and affected parties, as well as the maps that were attached to the provided notice. This is consistent with Staff's recommendation, filed on March 10, 2023, that the Applicants' waiver of publication of notice be granted with Staff's recommendation on administrative completeness and proposed notice. TWU did not provide publication notice. Therefore, Staff recommends that the notice provided by TWU be deemed sufficient for further processing of this matter.

III. RECOMMENDATION REGARDING NAME CHANGE REQUEST

In Staff's recommendation on administrative completeness and proposed notice filed on March 10, 2023, Staff recommended that a customer bill insert would be sufficient to provide notice of Woodland Oaks' name change request to customers who would not otherwise receive notice of the STM application. Further, for purposes of providing notice of the name change request to customers who will receive notice of the STM application, Staff recommended that the proposed notice form clearly identified that the requested name change is being processed simultaneously with the STM application and has not yet been approved by the Commission. Woodland Oaks provided the customer bill insert and the notice form consistent with Staff's recommendation on proposed notice. Woodland Oaks also provided an affidavit of notice of the name change to current customers dated March 28, 2023, signed by Scott Stevens, Vice President of Woodland Oaks Utility, LP, that Woodland Oaks provided the customer bill insert in the customer bills Woodland Oaks mailed to customers on March 23, 2023, to all customers who would not otherwise receive notice of the STM application for the purpose of providing notice of the name change request to those customers. Therefore, Staff recommends that the notice regarding the name change request is sufficient.

IV. CONCLUSION

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

Date: April 14, 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 was provided to all parties of record via electronic mail on April 14, 2023 in accordance with the Second Order Suspending Rules, filed in Project No. 50664.

/s/ Margaux Fox
Margaux Fox