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DOCKET NO. 54583

APPLICATION OF CITY OF	§	PUBLIC UTILITY COMMISSION
PFLUGERVILLE TO AMEND ITS	§	
CERTIFICATE OF CONVENIENCE	§	OF TEXAS
AND NECESSITY AND TO	§	
DECERTIFY KELLY LANE UTILITY	§	
COMPANY INC.'S CERTIFICATE OF	§	
CONVENIENCE AND NECESSITY IN	§	
TRAVIS AND WILLIAMSON	§	
COUNTIES	§	

ORDER NO. 4
REQUIRING ADDITIONAL NOTICE INFORMATION AND RECOMMENDATION

On May 1, 2023, the City of Pflugerville filed proof of notice of publication and the affidavit of Brandon Pritchett, director of public utilities for Pflugerville, attesting that notice was mailed to entities, landowners, and customers on April 11, 2023. Pflugerville's notice does not reference landowners.

During the Commission's May 11, 2023 open meeting, the Commission discussed certain aspects of sale, transfer, and merger applications and amendments to CCNs. Specifically, Commissioner Jackson filed a memorandum in Docket No. 51646¹ stating that more evidence was needed regarding notice, among other issues.

In light of Commissioner Jackson's memorandum in Docket No. 51651, the administrative law judge (ALJ) requires Pflugerville to confirm by affidavit that notice has been mailed by first class mail to each owner of a tract of land that is at least 25 acres and is wholly or partially included in the area proposed to be certified according to the most current tax appraisal rolls of the applicable central appraisal district at the time the Commission received the application for the amendment. Proof of notice that includes the names and mailing address, but does not identify which tracts of land in the requested area are at least 25 acres and who owns those tracts of land is not sufficient evidence of notice, as required under Texas Water Code § 13.246(a-1) and 16 Texas Administrative Code § 24.235(b)(2).²

¹ *Application of Waters of Vista Ranch Water Supply Corporation and Aqua Water Supply Corporation for Sale, Transfer, or Merger of Facilities and Certificate Rights in Fayette County*, Docket No. 51646, Commissioner Jackson Memorandum (May 10, 2023).

² *Id.* at 2.

By June 9, 2023, Pflugerville must file an affidavit that notice has been mailed by first class mail to each owner of a tract of land that is at least 25 acres and is wholly or partially included in the area proposed to be certified according to the most current tax appraisal rolls of the applicable central appraisal district at the time the Commission received the application. Further, Pflugerville must supplement its proof of notice by providing a copy of applicable appraisal district maps overlaid with the requested area, a list of the landowners with properties wholly or partially in the requested area, and the acreage owned by each listed owner.

By June 23, 2023, Commission Staff must file a recommendation on the sufficiency of the notice and supplemental notice provided by Pflugerville and file a proposed procedural schedule for the further processing of this docket.

Signed at Austin, Texas the 22nd day of May 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**