



## **Filing Receipt**

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**Item Number - 23**

**DOCKET NO. 54583**

<b>APPLICATION OF CITY OF</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>PFLUGERVILLE TO AMEND ITS</b>	<b>§</b>	
<b>CERTIFICATE OF CONVENIENCE</b>	<b>§</b>	<b>OF TEXAS</b>
<b>AND NECESSITY AND TO</b>	<b>§</b>	
<b>DECERTIFY KELLY LANE UTILITY'S</b>	<b>§</b>	
<b>CERTIFICATE OF CONVENIENCE</b>	<b>§</b>	
<b>AND NECESSITY IN TRAVIS AND</b>	<b>§</b>	
<b>WILLIAMSON COUNTIES</b>	<b>§</b>	

**COMMISSION STAFF'S RECOMMENDATION OF NOTICE AND SUPPLEMENTAL  
NOTICE AND PROPOSED PROCEDURAL SCHEDULE**

**I. INTRODUCTION**

On January 19, 2023, the City of Pflugerville (Pflugerville) filed an application to amend its certificate of convenience and necessity (CCN) number 20678 and to decertify Kelly Lane Utility's CCN number 20720 in Travis and Williamson Counties.

On August 22, 2023, the administrative law judge filed Order No. 7, establishing a deadline of September 19, 2023, for the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a recommendation on the sufficiency of notice and supplemental notice and to propose a procedural schedule for further processing of this docket. Therefore, this pleading is timely filed.

**II. SUFFICIENCY OF NOTICE**

Staff has reviewed Pflugerville's proof of notice and supplemental proof of notice and recommends that notice be found sufficient. Specifically, on May 1, 2023, Pflugerville provided 1) a signed, dated, and notarized PUC Publisher's Affidavit form with tear sheets for the April 12, 2023 and April 19, 2023 publications in the *Austin American Statesman*; 2) a signed and dated Affidavit of Notice to Current Customers, Landowners, Neighboring Utilities, and Affected Parties; and 3) copies of the actual notice and maps sent to the affected parties. On June 5, 2023, Pflugerville provided 1) a signed and dated Affidavit of Notice to Landowners; and 2) a list of the landowners with properties wholly or partially in the requested area. On June 23, 2023, Pflugerville provided 1) a copy of the Travis and Williamson Counties Central Appraisal District maps overlaid with the requested area; and 2) a list of the landowners with properties wholly or partially in the

requested area, with the acreage owned by each listed owner. On August 29, 2023, Pflugerville provided 1) a signed, dated, and notarized Affidavit of Notice to Landowners; 2) copies of the actual notices and maps sent to the affected parties; 3) copies of the Travis and Williamson Counties Central Appraisal District maps overlaid with the requested area; and 4) a list of the landowners with properties wholly or partially in the requested area, with the acreage owned by each listed owner. Lastly, on September 14, 2023, Pflugerville provided a supplemental signed, dated, and notarized affidavit confirming that notice was provided to Valient Residential and Amanda Kay Roberson. Accordingly, Staff recommends that Pflugerville has filed the information requested in Order Nos. 3 and 4 and that notice is, therefore, sufficient.

### III. PROPOSED PROCEDURAL SCHEDULE

In accordance with Staff's recommendation that notice be found sufficient, Staff proposes the following procedural schedule:

Event	Date
Notice Completed	August 25, 2023
Deadline for Intervention	September 25, 2023 <sup>1</sup>
Deadline for Staff to provide final maps, certificates, and tariffs (if applicable) to Pflugerville and Kelly Lane Utility for review and consent	October 23, 2023
Deadline for Pflugerville and Kelly Lane Utility to file signed consent forms with the Commission	November 6, 2023
If no hearing is requested, deadline for Staff to file a final recommendation on the application	November 15, 2023
Deadline for parties to file a response to Staff's recommendation	November 22, 2023
If no hearing is requested, deadline for parties to file joint proposed findings of fact and conclusions of law	November 29, 2023

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<sup>1</sup> Under 16 Texas Administrative Code (TAC) § 24.235(a)(3), the intervention period is 30 days from the mailing or publication of notice, whichever occurs later, unless otherwise provided by the presiding officer. Notice was completed on August 25, 2023. Thirty days after August 25, 2023 is September 24, 2023. Because the Commission is closed for business on September 24, 2023, under 16 TAC § 22.4, the deadline falls on September 25, 2023.

#### **IV. CONCLUSION**

For the reasons detailed above, Staff recommends that notice be found sufficient and that the proposed procedural schedule be adopted. Staff respectfully requests the entry of an order consistent with these recommendations.

Dated: September 19, 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 September 19, 2023, in accordance with the Second Order Suspending Rules, filed in Project No. 50664.

/s/ Kelsey Daugherty  
Kelsey Daugherty