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DOCKET NO. 54718

APPLICATION OF STAFF WATER	§	PUBLIC UTILITY COMMISSION
SUPPLY CORPORATION AND CITY	§	
OF CARBON FOR SALE, TRANSFER,	§	OF TEXAS
OR MERGER OF FACILITIES AND	§	
CERTIFICATE RIGHTS IN EASTLAND	§	
COUNTY	§	

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

On March 7, 2023, Staff Water Supply Corporation (Staff WSC) and City of Carbon (Carbon) filed an application for approval of the sale, transfer, or merger of facilities and certificate rights in Eastland County under the provisions of Texas Water Code § 13.301 and 16 Texas Administrative Code (TAC) § 24.239. Applicants supplemented the application on April 25, 2023, and May 5, 2023.

On June 7, 2023, the administrative law judge (ALJ) filed Order No. 3, directing the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a recommendation on sufficiency of notice by July 17, 2023. Therefore, this pleading is timely filed.

I. SUFFICIENCY OF NOTICE

Carbon filed an affidavit of notice to current customers, neighboring utilities, and affected parties on June 29, 2023, indicating that the notice of the application was mailed to current customers, neighboring utilities, and affected parties on June 9, 2023. The affidavit also indicated that notice was published in a newspaper having general circulation once each week for two consecutive weeks in the county where the requested area is located. This notice by publication was completed on June 22, 2023. Specifically, Carbon filed the affidavit and a copy of the name and address of every person and entity to which notice was provided, accompanied by the maps in the docket within 30 days of the notice.

Staff has reviewed Carbon's proof of notice and recommends that notice was provided in accordance with Staff's Recommendation on Administrative Completeness and Proposed Notice filed on June 5, 2023. Therefore, Staff recommends that Carbon's notice of the application be deemed sufficient.

II. PROCEDURAL SCHEDULE

Event	Date
Notice complete	June 22, 2023
Deadline for intervention	July 24, 2023 ¹
Deadline for Staff to request a hearing or file a recommendation on the approval of the sale	August 24, 2023
Deadline for the parties to file a response to Staff's recommendation on approval of sale	September 7, 2023
120-day deadline for the Commission to approve the sale or require a hearing	October 20, 2023 ²

III. CONCLUSION

For the reasons detailed above, Staff recommends that the notice be found sufficient and that the proposed procedural schedule be adopted.

¹ Under 16 TAC § 24.239(d), the intervention period shall not be less than thirty (30) days unless good cause is shown. Thirty (30) days after June 22, 2023, is Saturday, July 22, 2023. The Commission is not open for business on a Saturday. The next day the Commission is open for business is Monday, July 24, 2023.

² Under 16 TAC § 24.239(a), (h), and (i), the deadline for Commission action is 120 days after the mailing or publication of notice, whichever occurs later. One hundred and twenty days after June 22, 2023, is October 20, 2023.

Date: July 17, 2023

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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Division Director

/s/ David Berlin
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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 July 17, 2023 in accordance with the Second Order Suspending Rules, issued in Project No. 50664.

/s/ David Berlin
David Berlin