



## **Filing Receipt**

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**Control Number - 54718**

**Item Number - 11**

**DOCKET NO. 54718**

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

**ORDER NO. 4**  
**FINDING NOTICE DEFICIENT, ESTABLISHING OPPORTUNITY TO**  
**CURE, AND ESTABLISHING PROCEDURAL SCHEDULE**

This Order addresses the sufficiency of notice for the March 7, 2023 application of Staff Water Supply Corporation and the City of Carbon for approval of the sale, transfer, or merger of facilities and certificate rights in Eastland County as supplemented on April 25, May 5, and June 29, 2023.

On July 17, 2023, Commission Staff filed a recommendation on the sufficiency of notice and a proposed procedural schedule.

The administrative law judge finds the notice deficient. In proceedings involving an amendment to a certificate of convenience and necessity (CCN) notice must be 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 requested area according to the most current tax appraisal rolls of the applicable central appraisal district at the time the Commission received the application for the CCN 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).<sup>1</sup>

By July 31, 2023, the applicants 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

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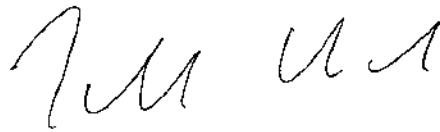
<sup>1</sup> *Application of Waters of Vista Ranch Water Supply Corporation and Aqua Water Supply Corporation for Sale, Transfer, or Merger of Facilities and Certificate Rights in Fayette County*, Docket No. 51646, Commissioner Jackson Memorandum at 2 (May 10, 2023).

applicable central appraisal district at the time the Commission received the application for the CCN amendment. Further, the applicants 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. If there are no landowners with a tract of land that is at least 25 acres and is wholly or partially included in the requested area, the applicants must file an affidavit confirming the same.

By August 14, 2023, Commission Staff must file a supplemental recommendation on the sufficiency of the notice and propose a procedural schedule, if appropriate.

**Signed at Austin, Texas the 19th day of July 2023.**

**PUBLIC UTILITY COMMISSION OF TEXAS**

A handwritten signature in black ink, appearing to read 'J. Huhn', is written over a horizontal line.

**JEFFREY J. HUHN**  
**ADMINISTRATIVE LAW JUDGE**