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DOCKET NO. 54718

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

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

I. INTRODUCTION

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, May 5, 2023, and July 28, 2023.

On July 19, 2023, the administrative law judge (ALJ) filed Order No. 4, directing the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a supplemental recommendation on the sufficiency of notice and propose a procedural schedule by August 14, 2023. Therefore, this pleading is timely filed.

II. 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.

On July 28, 2023, Carbon filed a list of the landowners with properties wholly or partially in the requested area, the acreage owned by each listed owner, a copy of the applicable appraisal

district maps overlaid with the requested area, and an affidavit attesting to the fact that notice was given to all landowners with 25 acres or more in the requested area.

Staff has reviewed Carbon's proof of notice and supplemental filing and, as detailed in the attached memorandum of Jolie Mathis, Infrastructure Division, recommends that Carbon's notice of the application be deemed sufficient.

III. PROPOSED PROCEDURAL SCHEDULE

In accordance with Staff's recommendation that notice be found sufficient, Staff proposes the following procedural schedule for continued processing of this application.

Event	Date
Notice Completed	July 26, 2023
Deadline for intervention	August 25, 2023
Deadline for Staff to request a hearing or file a recommendation on approval of the sale and on the CCN amendment	September 25, 2023
Deadline for parties to file a response to Staff's recommendation	October 11, 2023
Deadline for parties to file a joint motion to admit evidence and proposed order approving the sale and allowing the transaction to proceed	October 23, 2023
120-day deadline for Commission to approve the sale or require a hearing	November 23, 2023

IV. CONCLUSION

For the reasons detailed above, Staff recommends that the notice be deemed sufficient and that the proposed procedural schedule be adopted. Staff respectfully requests an order consistent with the foregoing recommendation.

Date: August 14, 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 will be provided to all parties of record via electronic mail on August 14, 2023, in accordance with the Second Order Suspending Rules, issued in Project No. 50664.

/s/ David Berlin
David Berlin

Public Utility Commission of Texas

Memorandum

TO: David Berlin, Attorney
Legal Division

FROM: Jolie Mathis, Utility Engineering Specialist
Infrastructure Division

DATE: August 14, 2023

RE: Docket No. 54718 – *Application of Staff Water Supply Corporation and City of Carbon for Sale, Transfer, or Merger of Facilities and Certificate Rights in Eastland County*

1. Application

City of Carbon (Carbon) and the Staff Water Supply Corporation (Staff WSC) (collectively, Applicants) filed an application for sale, transfer, or merger (STM) of facilities and certificate rights in Eastland County, Texas, under Texas Water Code (TWC) § 13.301 and 16 Texas Administrative Code (TAC) § 24.239.

Specifically, Carbon seeks approval to acquire facilities and to transfer a portion of the water service area from Staff WSC under water CCN No. 11155 and obtain a new CCN number.

Based on the mapping review by Dave Babicki, Infrastructure Division:

- The *requested area north* includes approximately 426.6 acres, comprised of facility line + 200 feet CCN service area transferred from Staff WSC (CCN No. 11155) to Carbon with the issuance of a new water CCN number.
- The *requested area south* includes approximately 764.2 acres, comprised of facility line + 200 feet CCN service area transferred area from Staff WSC (CCN No. 11155) to Carbon with the issuance of a new water CCN number.
- The *total requested area* includes 92 customer connections and approximately 1,190.8 acres, comprised of facility line + 200 feet CCN service area transferred area from Staff WSC (CCN No. 11155) to Carbon with the issuance of a new water CCN number.
- The application proposes the subtraction of approximately 1,190.8 acres from CCN No. 11155 and the addition of approximately 1,190.8 acres to Carbon with the issuance of a new water CCN number.

- The application indicates that the total acreage being requested is approximately 1,109.9 acres, however, the mapping review determined the requested area is approximately 1,190.8 acres.

2. Landowner Notice Sufficiency

An affidavit was provided affirming that notice was submitted to 154 landowners in the requested area on July 26, 2023. A map indicating the location of each landowner was provided. I recommend that notice be found sufficient.

Staff may determine that additional information is needed to make a final recommendation in this docket. If additional information is needed, Staff may send requests for information (RFI) to Carbon and Staff WSC. Carbon and Staff WSC will have 20 days from the receipt of the RFI to respond.