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DOCKET NO. 54752

APPLICATION OF CSWR-TEXAS	§	PUBLIC UTILITY COMMISSION
UTILITY OPERATING COMPANY,	§	
LLC AND RBTQ, INC. DBA	§	OF TEXAS
SOUTHWEST GARDENS WATER FOR	§	
SALE, TRANSFER, OR MERGER OF	§	
FACILITIES AND CERTIFICATE	§	
RIGHTS AND FOR THE	§	
DECERTIFICATION OF ALL OF DON	§	
HAYS DBA SOUTHWEST WATER	§	
COMPANY (DON HAYS)	§	
CERTIFICATE OF CONVENIENCE	§	
AND NECESSITY IN LUBBOCK	§	
COUNTY	§	

COMMISSION STAFF’S SUFFICIENCY OF NOTICE

I. INTRODUCTION

On March 14, 2023, CSWR-Texas Utility Operating Company, LLC (CSWR-Texas) and Southwest Gardens Water (Southwest Gardens) (collectively, Applicants) filed an application for approval of the sale, transfer, or merger of facilities (STM) and certificate of convenience and necessity (CCN) rights in Lubbock County.

On June 30, 2023, the administrative law judge (ALJ) filed Order No. 5, requiring the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a recommendation on the sufficiency of notice and a proposed procedural schedule for continued processing of this application, if appropriate by August 8, 2023.

II. SUFFICIENCY OF NOTICE

The Applicants filed an Affidavit of Notice to Current Customers, Neighboring Utilities, and Affected Parties on July 28, 2023 indicating that the notice of the application was mailed to current customers, neighboring utilities, and affected parties on July 12, 2023. Specifically, Applicants filed the affidavit and a sample copy of the mailed notice, a copy of the name and address of every person and entity to which notice was provided, the date notice was provided, accompanied by the maps in the docket within 30 days of the date of notice. In addition, the Applicants included an Affidavit of Notice to Landowners indicating that the notice of the application was mailed to landowners on July 13, 2023. Specifically, Applicants filed the affidavit

and a sample copy of the mailed notice, a copy of the names and addresses of the two affected landowners, the date notice was provided, accompanied by the maps in the docket, a map containing appraisal district information of landowner parcels overlaid with the requested area.

Further, the Applicants filed a notarized proof of publication attesting that notice was published in the Lubbock Avalanche-Journal for two consecutive weeks in a newspaper of general circulation in Lubbock County, the county in which the retail public utility being transferred is located.

Staff has reviewed the Applicants' proof of notice and recommends that notice was provided in accordance with Staff's Recommendation on Administrative Completeness and Proposed Notice and Proposed Procedural Schedule filed on June 29, 2023. Therefore, Staff recommends that the Applicant's notice of the application be deemed sufficient.

III. PROPOSED PROCEDURAL SCHEDULE

Staff recommends that notice be deemed sufficient. Accordingly, Staff proposes the following procedural schedule:

Event	Date
Notice complete	July 21, 2023
Deadline for intervention	August 21, 2023 ¹
Deadline for Staff to request a hearing or file a recommendation on the approval of the sale and on the CCN amendment	September 21, 2023
Deadline for parties to file a response to Staff's recommendation on approval of sale	September 29, 2023
Deadline for parties to file a joint motion to admit evidence and proposed order approving sale and allowing transaction to proceed.	October 13, 2023
¹ Under 16 TAC § 24.239(d), the intervention period shall not be less than thirty (30) days unless good cause is shown. Notice was published on July 21, 2023. Therefore, thirty (30) days after July 21, 2023 is August 20, 2023. The Commission is closed for business on August 20, 2023 which is a Sunday, therefore the date moves to the next day the Commission is open for business which is August 21, 2023.	

² Under 16 TAC § 24.239(a) and (i), the deadline for Commission action is one hundred twenty (120) days after the mailing or publication of notice, whichever occurs later. One hundred and twenty days after July 21, 2023 is November 18, 2023 which is a Saturday. The next day the Commission is open for business is November 20, 2023.

IV. CONCLUSION

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

Dated: August 8, 2023

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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ERROR! REFERENCE SOURCE NOT FOUND.

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 8, 2023 in accordance with the Second Order Suspending Rules, issued in Project No. 50664.

/s/ Arnett D. Caviel
Arnett D. Caviel