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APPLICATION OF EMERALD HILLS	§	PUBLIC UTILITY COMMISSION
WATER FOR A CERTIFICATE OF	§	
CONVENIENCE AND NECESSITY IN	§	OF TEXAS
SAN PATRICIO COUNTY	§	

COMMISSION STAFF'S CLARIFICATION

On May 1, 2023, Emerald Hills Water (Emerald Hills) filed an application to obtain a water certificate of convenience and necessity (CCN) in San Patricio County. Emerald Hills filed supplemental information on May 22, 2023, June 29, 2023, July 7, 2023, August 4, 2023, August 24, 2023, and October 4, 2023.

On October 4, 2023, the administrative law judge (ALJ) filed Order No. 5, directing the Staff (Staff) of the Public Utility Commission of Texas (Commission) to clarify whether Emerald Hills should be required to complete the updated proof of notice affidavit and provide additional deadlines for Emerald Hills to supplement its affidavit of proof and for Commission Staff to file a supplemental recommendation by October 10, 2023. Therefore, this pleading is timely filed.

I. CLARIFICATION

On August 8, 2023, Staff recommended that Emerald Hills proceed with providing public notice and provided notice forms with an attached memorandum from Jolie Mathis, Infrastructure Division. The notice forms included an Affidavit of Notice to Landowners. The Affidavit of Notice to Landowners is the updated proof of notice affidavit and included checkboxes determining that there are no landowners owning tracts of land over 25 acres wholly or partly inside the requested CCN area, or whether individual notice via first class mail was provided to landowners owning tracts of land over 25 acres wholly or partly inside the requested CCN area.

On August 24, 2023, and October 4, 2023, Emerald Hills filed a completed version of the Affidavit of Notice to Landowners included in Staff's August 8, 2023, recommendation. By checking the appropriate box on the Affidavit of Notice to Landowners, Emerald Hills indicated that it provided individual notice via first-class mail to a landowner owning tracts of land over 25 acres wholly or partly inside the requested CCN area on August 10, 2023. Because Emerald Hills used the most updated Affidavit of Notice to Landowners, Staff recommends that Emerald Hills should not be required to complete the updated proof of notice affidavit.

II. PROPOSED PROCEDURAL SCHEDULE

In accordance with Staff's recommendation, Staff proposes the following procedural schedule:

Event	Date
Notice Completed	August 24, 2023
Deadline for Intervention	September 25, 2023 ¹
Deadline for Commission Staff to provide final maps, certificates, and tariffs (if applicable) to Emerald Hills for review and consent	November 24, 2023
Deadline for Emerald Hills to file signed consent form with the Commission	December 8, 2023
Deadline to request a hearing. If no hearing is requested, deadline for Commission Staff to file a final recommendation on the application.	December 21, 2023
Deadline for the parties to file joint proposed findings of fact and conclusions of law	January 4, 2023

III. CONCLUSION

Staff respectfully requests the adoption of the proposed procedural schedule above.

¹ 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 24, 2023. Thirty days after August 24, 2023, is September 23, 2023. Because the Commission is closed for business on September 23, 2023, under 16 TAC § 22.4, the deadline falls on September 25, 2023.

Date: October 10, 2023

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Marisa Lopez Wagley
Division Director

Andy Aus
Managing Attorney

/s/ David Berlin
David Berlin
State Bar No. 24126088
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7442
(512) 936-7268 (facsimile)
David.Berlin@puc.texas.gov

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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 October 10, 2023 in accordance with the Second Order Suspending Rules, issued in Project No. 50664.

/s/ David Berlin
David Berlin