



## **Filing Receipt**

**Filing Date - 2023-11-20 10:23:18 AM**

**Control Number - 55304**

**Item Number - 19**

**DOCKET NO. 55304**

<b>APPLICATION OF TEXAS WATER UTILITIES, LP AND SWWC UTILITIES, INC. DBA HORNSBY BEND UTILITY COMPANY, INC. FOR SALE, TRANSFER, OR MERGER OF FACILITIES AND CERTIFICATE RIGHTS IN TRAVIS COUNTY</b>	<b>§ § § § § § §</b>	<b>PUBLIC UTILITY COMMISSION  OF TEXAS</b>
---	--	--

**COMMISSION STAFF’S RECOMMENDATION ON NOTICE AND PROPOSED PROCEDURAL SCHEDULE**

On July 31, 2022, Texas Water Utilities, LP (TWU) and SWWC Utilities, Inc. dba Hornsby Bend Utility Company, Inc. (collectively, Applicants) filed an application for the sale, transfer, or merger of facilities and certificate rights in Travis County under the provisions of Texas Water Code § 13.301 and 16 Texas Administrative Code § 24.239.

On November 6, 2023, the administrative law judge filed Order No. 4, directing the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a recommendation on sufficiency of notice and to propose a procedural schedule by November 20, 2023. Therefore, this pleading is timely filed.

**I. SUFFICIENCY OF NOTICE**

Staff has reviewed the proof of notice filed by TWU on November 9, 2023, and recommends that the notice be found sufficient. Specifically, TWU provided an affidavit of notice dated November 9, 2023, and signed by Brian D. Bahr, Director of Rates and Regulatory Affairs of TWU, that notice was provided on November 3, 2023, to its current customers, neighboring utilities, and affected parties, as well as the maps that were attached to the provided notice. TWU also provided an affidavit of notice dated November 9, 2023, and signed by Mr. Bahr, attesting that individual notice was provided via first-class mail to all landowners owning tracts of land over 25 acres and located wholly or partially in the requested CCN area on November 3, 2023. Further Staff did not recommend that TWU provide publication notice because the requested service area does not include any unserved area. Therefore, Staff recommends that the notice provided by TWU be deemed sufficient for further processing of this matter.

## II. PROPOSED PROCEDURAL SCHEDULE

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

Event	Date
Notice Completed	November 3, 2023
Deadline for intervention	December 3, 2023
Deadline for Staff to request a hearing or file a recommendation on approval of the sale and on the CCN amendment	December 19, 2023
Deadline for parties to file a response to Staff's recommendation	January 3, 2024
Deadline for parties to file a joint motion to admit evidence and proposed order approving the sale and allowing the transaction to proceed	March 19, 2023
120-day deadline for Commission to approve the sale or require a hearing	March 4, 2024 <sup>1</sup>

## III. CONCLUSION

For the reasons detailed above, Staff recommends that the notice be found sufficient, and the proposed procedural schedule be adopted. Staff respectfully requests the entry of an order consistent with these recommendations.

---

<sup>1</sup> The 120-day deadline for the Commission to approve the sale or require a hearing is on Saturday, March 2, 2024. As the Commission is closed on Saturday, March 2, 2024, pursuant to 16 TAC § 22.4(a), the deadline is extended until the next day on which the Commission is open for business. The next day on which the Commission is open for business after Saturday, March 2, 2024 is Monday, March 4, 2024. Therefore, the 120-day deadline for the Commission to approve the sale or require a hearing is on March 4, 2024.

Date: November 20, 2023

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Marisa Lopez Wagley  
Division Director

Margaux Fox  
Managing Attorney

/s/ Markel Perkins  
Markel Perkins  
State Bar No. 24126428  
1701 N. Congress Ave.  
P.O. Box 13326  
Austin, Texas 78711-3326  
(512) 936-7099  
(512) 936-7268 (fax)  
Markel.Perkins@puc.texas.gov

**DOCKET NO. 55304**

**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 November 20, 2023 in accordance with the Second Order Suspending Rules, filed in Project No. 50664.

/s/ Markel Perkins  
Markel Perkins