



Filing Receipt

Filing Date - 2024-03-18 10:31:49 AM

Control Number - 55810

Item Number - 15

DOCKET NO. 55810

APPLICATION OF MCC UTILITIES,	§	PUBLIC UTILITY COMMISSION
LLC FOR CERTIFICATES OF	§	
CONVENIENCE AND NECESSITY IN	§	OF TEXAS
HARRIS COUNTY	§	

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

On November 7, 2023, MCC Utilities, LLC (MCC Utilities) filed an application to obtain a water certificate of convenience and necessity (CCN) and sewer CCN in Harris County, under Texas Water Code §§ 13.242 through 13.250 and 16 Texas Administrative Code (TAC) §§ 24.225 through 24.237.

On February 7, 2024, the administrative law judge filed Order No. 3, directing the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file a recommendation on sufficiency of notice and to propose a schedule for continued processing of this application, if appropriate, by March 18, 2024. Therefore, this pleading is timely filed.

I. SUFFICIENCY OF NOTICE

Staff has reviewed the proof of notice filed by MCC Utilities on March 6, 2024 and recommends that the notice be deemed sufficient. Specifically, MCC Utilities filed an affidavit, dated March 6, 2024 and signed by Jeffrey L. Earl, Attorney for MCC Utilities, attesting that notice was mailed on February 14, 2024 to MCC Utilities' current customers, neighboring utilities, and affected parties on February 14, 2024. MCC Utilities also filed a signed, dated, and notarized Publisher's Affidavit form with tear sheets for the February 23, 2024 and February 28, 2024, publications in the *Daily Court Review*, a newspaper of general circulation in Harris County. In addition, MCC Utilities included a copy of the notices and maps provided to the affected parties, a list of the name and address of every person and entity to which notice was provided, and a copy of the general location and detailed maps deemed sufficient during administrative review.

Pursuant to 16 TAC § 24.235(b)(2), an applicant requesting to obtain a CCN is also required to mail notice to each owner of a tract of land that is at least 25 acres and is wholly or partially included in the requested area or provide information stating that there are no landowners that meet these criteria. MCC Utilities filed an affidavit, dated March 6, 2024 and signed by Mr. Earl, attesting that there are no landowners owning tracts of land over 25 acres wholly or partially

located inside the requested CCN area. Therefore, Staff recommends that MCC Utilities' notice be deemed sufficient for further processing of this matter.

II. PROPOSED PROCEDURAL SCHEDULE

Staff recommends that notice be found sufficient. Staff therefore proposes the following procedural schedule for the continued processing of this docket:

Event	Date
Deadline for intervention	March 29 2024 ¹
Deadline for Staff to provide final maps, certificates, and tariffs (if applicable) to MCC Utilities for review and consent	April 25, 2024
Deadline for MCC Utilities to file signed consent forms with the Commission	May 9, 2024
Deadline for Staff to request a hearing or file a recommendation on final disposition	May 23, 2024
Deadline for MCC Utilities to request a hearing or respond to Staff's recommendation on final disposition; or, deadline for parties to file a joint proposed order, including proposed findings of fact, conclusions of law, and ordering paragraphs	June 14, 2024

III. CONCLUSION

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

¹ Under 16 Texas Administrative Code § 24.235(a), 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 February 28, 2024. Thirty days after February 28, 2024 is March 29, 2024.

Dated: March 18, 2024

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Marisa Lopez Wagley
Division Director

Ian Groetsch
Managing Attorney

/s/ David Skawin
David Skawin
State Bar No. 24102505
Kelsey Daugherty
State Bar No. 24125054
1701 N. Congress Avenue
P.O Box 13326
Austin, Texas 78711-3326
(512) 936-7309
(512) 936-7268 (facsimile)
David.Skawin@puc.texas.gov

DOCKET NO. 55810

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 March 18, 2024, in accordance with the Second Order Suspending Rules, filed in Project No. 50664.

/s/ David Skawin
David Skawin