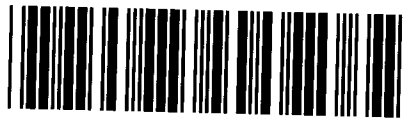


Control Number: 43183



Item Number: 23

Addendum StartPage: 0

APPLICATION OF ENGLISH ACRES §
AND DARIO V. GUERRA III FOR §
SALE, TRANSFER, OR MERGER OF §
FACILITIES AND CERTIFICATE §
RIGHTS IN JIM WELLS COUNTY §
(37889-S) §

2015 MAR 31 AM 11:58
PUBLIC UTILITY COMMISSION
FILING CLERK
OF
TEXAS

COMMISSION STAFF'S RECOMMENDATION ON SUFFICIENCY

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest and files this Recommendation on Sufficiency and would show the following:

I. BACKGROUND

On February 28, 2014, Dario V. English dba Derby, Ing. (Derby or Applicant) filed an application (Application) with the Texas Commission on Environmental Quality (TCEQ) to acquire and transfer Certificate of Convenience and Necessity (CCN) No. 12794 held by English Acres pursuant to TEX. WATER CODE ANN. § 13.301 and Title 16, TEX. ADMIN. CODE (16 TAC) §§ 24.109 and 24.112. On July 16, 2014, TCEQ issued a Notice of Deficiency requiring Derby to provide supplemental information for the Application.

Order No. 7 stated that the Application remained deficient and allowed the Applicant another opportunity to cure those deficiencies. Applicant filed supplemental notice information on March 18, 2015. The Administrative Law Judge allowed Staff until March 31, 2015 to review the supplemental information and make a recommendation. Therefore, this pleading is timely filed.

II. RECOMMENDATION

As explained in the memorandum (Attachment A) of Debbie Reyes Tamayo of the Water Utilities Division, Staff recommends that the notice provided by Applicant in its supplemental filing be deemed sufficient. Attachment A also contains some instructions for providing notice. Attachment B is a sample draft notice.

III. PROPOSED PROCEDURAL SCHEDULE

Deadline for Applicant to submit an Affidavit of Notice	May 20, 2015
Deadline for Staff to file an additional procedural schedule with hard deadlines ¹	May 29, 2015

IV. CONCLUSION

Staff respectfully requests that the ALJ issue an order reflecting the above request.

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director
Legal Division

Stephen Mack
Managing Attorney
Legal Division

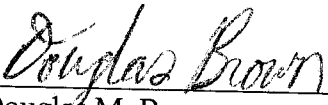


Douglas M. Brown
Attorney, Legal Division
State Bar No. 24048366
(512) 936-7203
(512) 936-7268 (facsimile)
Public Utility Commission of Texas
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326

¹ After Staff receives the Affidavit of Notice, it will know the date for final disposition and be able to set other procedural deadlines appropriately.

DOCKET NO. 43183
CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on or before March 31, 2015 in accordance with P.U.C. Procedural Rule 22.74.


Douglas M. Brown

ATTACHMENT A

PUC Interoffice Memorandum

To: Douglas Brown
Legal Division

Thru: Tammy Benter, Director
Water Utility Division

From: Debbie Reyes Tamayo, Program Specialist
Tracy Harbour, GIS Specialist
Water Utility Division

Date: March 20, 2015

Subject: Docket No. 43183, Application (37864-S) of Dario V. Guerra, III dba Derby Ing, to Sale, Transfer, or Merger (STM) of Certificate of Convenience and Necessity (CCN) No. 12794 held by English Acres in Jim Wells County.

Dario V. Guerra, III dba Derby Ing (Applicant) filed an application t for an STM regarding all of CCN No. 12794 held by English Acres in Jim Wells County. This application was filed pursuant to the criteria in the Texas Water Code, Chapter 13, and the TCEQ's rules outlined in Title 30, Texas Administrative Code (TAC), Sections 291.109 and 291.112. On September 1, 2014, the rates and CCN programs were transferred from the TCEQ to the Public Utility Commission (PUC). This application was part of the transfer and is now under the PUC's purview. The application is now being reviewed under the PUC's Substantive Rules in Chapter 24, §§24.109 and 24.112.

Based on a review of the information in the application and the proposed notice received March 18, 2015, from Dario V. Guerra, III dba Derby Ing, I recommend the application be deemed administratively complete. I further recommend the following:

1. The Applicant be ordered to provide notice of the application to the following:
 - a) any districts, groundwater conservation districts, counties, utilities, cities, cities with an extraterritorial jurisdiction within two (2) miles of the proposed water service area; any city with an extraterritorial jurisdiction which overlaps the proposed water service area; and
 - b) notice to the public which must be published once each week for two (2) consecutive weeks in a newspaper of general circulation in Jim Wells County.
2. In addition to those utilities listed in the application, the Applicant should provide notice to the following entities:
 - o English Acres (12794)
 - o Brush Country Groundwater Conservation District (District ID 1730500)
 - o Jim Wells County

3. The Applicant be ordered to include a copy of a map with each mailed notice showing the proposed water service area to neighboring utilities and other affected parties. It is the Applicant's burden to provide accurate map delineating the proposed water service area with each individual notice. Information related to districts including addresses can be obtained by the Applicant from the TCEQ web site located at <http://www14.tceq.texas.gov/iwud/>

TB/DRT

ATTACHMENT B

FORM B

Docket No. 43183

Notice to Current Customers, Neighboring Systems, and Cities

DON E ENGLISH, OWNER, ENGLISH ACRES

(Seller's or Transferor's Name)

'S NOTICE OF INTENT TO SELL FACILITIES TO

DARIO V GUERRA III

(Purchaser's or Transferee's Name)

AND FOR

N/A

Purchaser's or Transferee's Name)

TO OBTAIN OR AMEND A CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) IN
JIM WELLS COUNTY, TEXAS

To: _____ Date Notice Mailed _____, 20 ____
(Name of Customer, Neighboring System, or City)

(Address)

City

State

Zip

DON L ENGLISH

Sellers or Transferors' Name

PO BOX 314

Address

MAGNOLIA/TEXAS/78061

City/State/Zip Code

has submitted an application with the Public Utility Commission of Texas to sell water or sewer (please select) Facilities in JIM WELLS [County Name] County to:

DARIO V GUERRA III

Purchasers or Transferee's Name

PO BOX 721025

Address

MCALLEN/TEXAS/78504

City/State/Zip Code

The transferee has also requested to obtain/amend a CCN in this application. The sale is scheduled to take place as approved by the Commission (Texas Water Code §13.301). The transaction and the proposed service area include the following subdivision(s):

THE COMMUNITY OF ENGLISH ACRES AND AS SHOWN IN THE CCN MAP

The area subject to this transaction is located approximately 3 miles SOUTH [direction] of downtown ALICE, [City or Town] Texas, and is **generally** bounded on the north by CR 136; on the east by FM 1554; on the south by FM 625; and on the west by CR 137

The total area being requested includes approximately 96 acres and serves 37 current customers. This transaction will have the following effect on the current customer's rates and services:
THE RATES WILL REMAIN THE SAME AND WILL NOT AFFECT THE CURRENT CUSTOMERS.

Affected persons may file written protests and/or request a public hearing within 30 days of this notice. To request a hearing, you must:

- (1) state your name, mailing address and daytime telephone number;
- (2) state the applicant's name, application number or another recognizable reference to this application;
- (3) include the statement "I/we request a public hearing";
- (4) write a brief description of how you, the persons you represent, or the public interest would be adversely affected by the proposed transaction and transfer of the CCN; and
- (5) state your proposed adjustment to the application or CCN which would satisfy your concerns and cause you to withdraw your request for a hearing.

Only those persons who submit a written request to be notified of a hearing will receive notice if a hearing is scheduled. The Commission will issue the CCN requested in the referenced application unless a hearing is scheduled to consider the transaction. If no protests or requests for hearing are filed during the comment period, the Commission may issue the CCN 30 days after publication of this notice.

Persons who wish to protest or request a hearing on this application should write the:

Filing Clerk
Public Utility Commission of Texas
1701 North Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326

**Se desea informacion en Espanol, puede llamar al
1-888-782-8477**

DARIO V GUERRA III
Utility Representative

DERBY ING.
Utility Name