

Control Number: 43452



Item Number: 51

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RECEIVED

APPLICATION OF THE TOWN OF §
 LITTLE ELM TO AMEND ITS §
 CERTIFICATE OF CONVENIENCE §
 AND NECESSITY AND TO §
 DECERTIFY PORTIONS OF §
 CERTIFICATES HELD BY MUSTANG §
 SPECIAL UTILITY DISTRICT AND §
 TERRA SOUTHWEST INC. IN §
 DENTON COUNTY (37896-C, 37897-C) §

PUBLIC UTILITY
 2016 JUL 15 PM 2:19
 COMMISSION OF TEXAS
 UTILITY COMMISSION
 FILING CLERK

COMMISSION STAFF'S SUPPLEMENTAL RECOMMENDATION

Commission Staff (Staff) of the Public Utility Commission of Texas (Commission) files its Supplemental Recommendation. In support of its Supplemental Recommendation, Staff states the following:

I. Background

The Town of Little Elm requests an amendment to its sewer certificate of convenience and necessity (sewer CCN No. 20931) for an additional service area in Denton County, Texas. The Town of Little Elm sought to add additional service area in Denton County, Texas. The nearby Town of Lakewood Village is also seeking to add the same service area in Denton County, Texas.¹ Since the filing of their respective applications, the Town of Little Elm and the Town of Lakewood Village have reached an agreement regarding certain city boundaries.

Throughout this proceeding, the Town of Little Elm submitted additional mapping information that attempted to depict city boundaries that were consistent with the terms of this agreement. The Town of Little Elm submitted its latest mapping information on June 17, 2016.

II. Supplemental Recommendation

After a review of the additional documents submitted by the Town of Little Elm, Staff recommends that the Commission deem the Town of Little Elm's application administratively

¹ See *Application of Town of Lakewood Village to Amend its Sewer Certificate of Convenience and Necessity and to Decertify a Portion of the Town of Little Elm's Certificate in Denton County*, Docket No. 43145 (pending).

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complete.² With regard to notice, Staff recommends that the Town of Little Elm provide notice to the following:³

1. Any districts, utilities and cities within two (2) miles of the proposed service area;
2. Any city with an extraterritorial jurisdiction that overlaps the proposed service area;
3. The county judge of each county in the proposed service area, including the county judge of Denton County;
4. Any groundwater conservation district that is wholly or partly included in the proposed service area;
5. Landowners with more than 25 acres and any affected parties in the proposed service area;
6. The City of Frisco;
7. The City of Oak Point;
8. The City of Prosper;
9. Denton County Fresh Water Supply District No. 4-A;
10. Denton County Fresh Water Supply District No. 8-A;
11. Denton County Fresh Water Supply District No. 8-B;
12. Denton County Fresh Water Supply District No. 8-C;
13. Denton County Fresh Water Supply District No. 10;
14. Denton County Fresh Water Supply District No. 11-A;
15. Denton County Fresh Water Supply District No. 11-B;
16. Denton County Fresh Water Supply District No. 11-C;
17. Denton County Municipal Utility District No. 4;
18. Denton County Municipal Utility District No. 5;
19. Denton County Municipal Utility District No. 8;
20. Highway 380 Municipal Management District No. 1;
21. Mustang Special Utility District;
22. North Texas Ground Conservation District;
23. North Texas Municipal Water District;

² Staff's recommendation is based on the attached memorandum from Debbie Reyes Tamayo from the Water Utilities Division.

³ The form notices are attached to Ms. Tamayo's memorandum.

24. Oak Point Water Control Improvement District No. 1;
25. Oak Point Water Control Improvement District No. 2;
26. Oak Point Water Control Improvement District No. 3;
27. Oak Point Water Control Improvement District No. 4;
28. Prosper Management District No. 1;
29. Providence Village Water Control Improvement District of Denton County;
30. Terra Southwest, Inc.;
31. City of The Colony;
32. The Town of Hackberry;
33. The Town of Lakewood Village;
34. The Town of Providence Village;
35. Upper Trinity Regional Water District; and
36. Valencia on the Lake Water Control Improvement District.

The Town of Little Elm should include with the notice of its application a copy of a map that shows the proposed service area(s) with enough detail to accurately locate the proposed service area(s) in reference to verifiable man-made and/or natural landmarks such as roads, railroads, and rivers.

In addition to providing notice to the entities listed above, Staff recommends that the Town of Little Elm publish notice of its application once each week for two consecutive weeks in a newspaper of general circulation in Denton County, Texas.

III. Procedural Schedule

To assist in the processing of the Town of Little Elm's application, Staff requests that the Commission adopt the following procedural schedule:

Event	Deadline
Deadline for the Town of Little Elm to file affidavits regarding the provision and publication of notice	August 12, 2016
Deadline for Staff to file a supplemental procedural schedule	August 26, 2016
Intervention deadline and deadline for intervenors to file comments or request a hearing	30 days after the mailing or publication of notice, whichever occurs later

IV. Conclusion

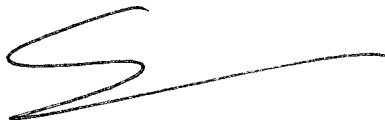
Staff recommends that the Commission deem the Town of Little Elm's application administratively complete and adopt the proposed procedural schedule detailed above.

Date: July 15, 2016

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

Margaret Uhlig Pemberton
Division Director
Legal Division

Stephen Mack
Managing Attorney
Legal Division

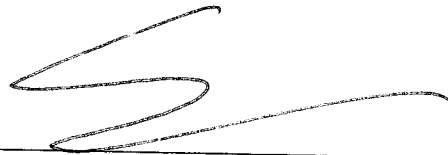


Sam Chang
State Bar No. 24078333
Public Utility Commission of Texas
1701 N. Congress Avenue
Austin, Texas 78711-3326
(512) 936-7290
(512) 936-7268 (facsimile)

DOCKET NO. 43452

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on July 15, 2016, in accordance with 16 TAC § 22.74.



Sam Chang

PUC Interoffice Memorandum

To: Sam Chang, Attorney
Legal Division

Thru: Tammy Benter, Director
Lisa Fuentes, Manager
Water Utilities Division

From: Debbie Reyes Tamayo, Program Specialist
Tracy Montes, GIS Specialist
Water Utilities Division

Date: July 15, 2016

Subject: **Docket No. 43452**, *Application of the Town of Little Elm to Amend its Certificates of Convenience and Necessity and to Decertify Portions of Certificates Held by Mustang Special Utility District and Terra Southwest, Inc. in Denton County (37896-C, 37897-C)*

On April 24, 2011, the Town of Little Elm (Applicant) filed an application with the Texas Commission on Environmental Quality (TCEQ) to amend CCN Nos. 11202 (water) and 20931 (sewer) in Denton County, pursuant to the criteria in the Texas Water Code, Chapter 13. 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 pursuant to Texas Water Code Ann. §§ 13.242-.250 (TWC) and 16 Tex. Admin Code §§ 24.101-.120 (TAC).

Based upon Staff's review of the above referenced application and the supplemental filings, Staff recommends that the application be deemed sufficient for filing. The revised small and large scale maps with digital data filed on June 17, 2016, sufficiently resolved mapping deficiencies. Staff further recommends the following:

- 1) The Applicant be ordered to provide correct notice of the application to the following:
 - a) any districts, utilities, and cities within two (2) miles of the proposed service areas;
 - b) the county judge of Denton County and each groundwater conservation district that is wholly or partly included in the proposed service areas to be certified;
 - c) each city with an extraterritorial jurisdiction (ETJ) that is wholly or partly included in the proposed areas to be certified;
 - d) landowners who own a tract of land that is at least 25 acres and is wholly or partly located in the proposed areas to be certified. The landowner information may be obtained from the county appraisal district tax rolls for the county or counties in which the proposed areas are located; and
 - e) publish notice once each week for two (2) consecutive weeks in a newspaper of general circulation in Denton County;

- 2) The Applicant should provide correct notice of the application to the following entities:
- City of Frisco
 - City of Oak Point
 - City of Prosper
 - Denton County FWSD 4-A
 - Denton County FWSD 8-A
 - Denton County FWSD 8-B
 - Denton County FWSD 8-C
 - Denton County FWSD 10
 - Denton County FWSD 11-A
 - Denton County FWSD 11-B
 - Denton County FWSD 11-C
 - Denton County MUD 4
 - Denton County MUD 5
 - Denton County MUD 8
 - Highway 380 MMD 1
 - Mustang SUD
 - North Texas GCD
 - North Texas MWD
 - Oak Point WCID 1
 - Oak Point WCID 2
 - Oak Point WCID 3
 - Oak Point WCID 4
 - Prosper Management District 1
 - Providence Village WCID of Denton County
 - Terra Southwest Inc
 - The Colony
 - Town of Hackberry
 - Town of Lakewood Village
 - Town of Providence Village
 - Upper Trinity Regional Water District
 - Valencia on the Lake WCID
 - Denton County Judge
- 3) The Applicant be ordered to include color copies of the large scale (detailed) maps showing both the proposed water and sewer service areas filed as Exhibits B and D by the Applicant on June 17, 2016 with the individual notices to neighboring utilities, other affected parties and each landowner. It is the Applicant's burden to provide accurate maps delineating the proposed water and sewer service areas with each individual notice. Information related to districts including addresses can be obtained from the TCEQ's web site located at <http://www14.tceq.texas.gov/iwud/>
- 4) The Applicant file within 30 days of the Commission order, a copy of the actual notice and maps issued, along with signed affidavits indicating that the notice was given. It is recommended that the Applicant use the attached notices and affidavits to meet these requirements.

Technical Review

The items listed below will be addressed during Staff's technical review of the application. Failure to provide the requested information may delay processing of the application.

- 5) Written documentation from *North Texas MWD* allowing the Applicant to provide retail sewer service within portions of their district's boundaries.
- 6) Written documentation from the *City of Frisco* allowing the Applicant to provide retail water and sewer services within portions of their corporate boundaries.

TB/LF/TM/drt

Notice for Publication

NOTICE OF APPLICATION TO AMEND CERTIFICATES OF CONVENIENCE AND NECESSITY (CCN) FOR THE PROVISION OF WATER AND SEWER SERVICE IN DENTON COUNTY, TEXAS

The Town of Little Elm (Little Elm) has filed an application with the Public Utility Commission of Texas to amend its Certificate of Convenience and Necessity for water and sewer CCN Nos. 11202 and 20931 in Denton County. The application also seeks to decertify portions of Mustang SUD's water and sewer CCN Nos. 11856 and 20930, decertify a portion of the Town of Hackberry's water CCN No. 12015, decertify portions of Valencia on the Lake WCID's water and sewer CCN Nos. 13138 and 21015, and to decertify a portion of the City of Oak Point's sewer CCN No. 20908.

Water Tract 1 – Amend to Little Elm (11202)

The **proposed utility water service area** is located approximately 1.4 miles west of the downtown Little Elm, Texas, and is generally bounded on the north by Mulberry Dr.; on the east by Lake Lewisville; on the south by Old State Hwy 24; and on the west by Greenwood Dr.

The **proposed water service area** being requested is approximately 14 acres which includes 24 current customers.

Water Tract 2 – To Decertify from Mustang SUD (11856) to Little Elm (11202)

The **proposed utility water service area** is located approximately 1.7 miles north of the downtown Little Elm, Texas, and is generally bounded on the north by the intersection of FM 1385 and Magnolia Blvd; on the east by FM 423; on the south by Lake Lewisville; and on the west by Lake Lewisville.

The **proposed water service area** being requested is approximately 614 acres which includes 24 current customers.

Water Tract 3 – Amend to Little Elm (11202)

The **proposed utility water service area** is located approximately .92 miles northeast of the downtown Little Elm, Texas, and is generally bounded on the north by Lake Lewisville; on the east by Waterside Dr.; on the south by E Eldorado Pkwy; and on the west by Longshore Dr.

The **proposed water service area** being requested is approximately 304 acres which includes 691 current customers.

Water Tract 4 – Decertify from Town of Hackberry (12015) to Little Elm (11202)

The **proposed utility water service area** is located approximately .17 miles northeast of the downtown Town of Hackberry, Texas, and is generally bounded on the north by South Blvd; on the east by Witt Rd.; on the south by King Rd.; and on the west by Flanagan Cir.

The **proposed water service area** being requested is approximately 128 acres which includes 208 current customers.

Water Tract 5 – Amend to Little Elm (11202)

The **proposed utility water service area** is located approximately 1.4 miles northeast of the downtown Town of Hackberry, Texas, and is generally bounded on the north by Eldorado Pkwy; on the east by Apple Valley Dr.; on the south by Main St; and on the west by FM 423.

The **proposed water service area** being requested is approximately 259 acres which includes 532 current customers.

Water Tract 6 – Decertify from Valencia on the Lake WCID (13138) to Little Elm (11202)

The **proposed utility water service area** is located approximately 1.7 miles north of the downtown Little Elm, Texas, and is generally bounded on the north by E. University Dr.; on the east by Sundrop Dr.; on the south by Lake Lewisville; and on the west by Lake Lewisville.

The **proposed water service area** being requested is approximately 447 acres which includes 12 current customers.

Sewer Tract 1 – Amend to Little Elm (20931)

The **proposed utility sewer service area** is located approximately 1 mile northwest of the downtown Little Elm, Texas, and is generally bounded on the north by Lake Lewisville; on the east by Lake Lewisville; on the south by Oak Grove Pkwy; and on the west by FM 720 and Hill Ln.

The **proposed sewer service area** being requested is approximately 402 acres which includes 833 current customers.

Sewer Tract 2 – Amend to Little Elm (20931)

The **proposed utility sewer service area** is located approximately 1.9 miles southwest of the downtown Little Elm, Texas, and is generally bounded on the north by the intersection of Shoreline Dr. and Fishermans Cv.; on the east by Lake Lewisville; on the south by Lakecrest Dr.; and on the west by W. Eldorado Pkwy.

The **proposed sewer service area** being requested is approximately 74 acres which includes 53 current customers.

Sewer Tract 3 – Decertify from Mustang SUD (20930) to Little Elm (20931)

The **proposed utility sewer service area** is located approximately 1.7 miles north of the downtown Little Elm, Texas, and is generally bounded on the north by the intersection of FM 1385 and Magnolia Blvd; on the east by FM 423; on the south by Crescent Lake Dr. and Lake Lewisville; and on the west by Lake Lewisville.

The **proposed sewer service area** being requested is approximately 724 acres which includes 24 current customers.

Sewer Tract 4 – Amend to Little Elm (20931)

The **proposed utility sewer service area** is located approximately 2.2 miles southeast of the downtown Little Elm, Texas, and is generally bounded on the north by 650 feet north of the intersection of FM 423 and Main St.; on the east by FM 423; on the south by Caveson Dr.; and on the west by Witt Rd.

The **proposed sewer service area** being requested is approximately 44 acres which includes 26 current customers.

Sewer Tract 5 – Decertify from Valencia on the Lake WCID (21015) to Little Elm (20931)

The **proposed utility sewer service area** is located approximately 1.7 miles north of the downtown Little Elm, Texas, and is generally bounded on the north by E. University Dr.; on the east by Sundrop Dr.; on the south by Lake Lewisville; and on the west by Lake Lewisville.

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The **proposed utility sewer service area** is located approximately 1.4 miles southeast of the downtown Little Elm, Texas, and is generally bounded on the north by Bishop Hill; on the east by Witt Rd; on the south by King Rd; and on the west by Flanagan Cir.

The **proposed sewer service area** being requested is approximately 20 acres which includes 29 current customers.

Sewer Tract 7 – Decertify from City of Oak Point (20908) to Little Elm (20931)

The **proposed utility sewer service area** is located approximately 1.7 miles northwest of the downtown Little Elm, Texas, and is generally bounded on the north by the intersection of FM 720 and Woodridge Dr.; on the east by Shahan Prairie Rd; on the south by 330 feet south of the intersection of Cottonwood Trail And Crestwood Place; and on the west by FM 720.

The **proposed sewer service area** being requested is approximately 65 acres which includes 244 current customers.

Copies of the proposed water and sewer service area maps are available at: 100 W Eldorado Parkway, Little Elm, TX, 75068 (214) 975 -0400.

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

Persons who wish to intervene or comment should write the:

Public Utility Commission of Texas
Central Records
1701 N. Congress, P. O. Box 13326
Austin, TX 78711-3326

within thirty (30) days from the date of this publication or notice. A public hearing will be held only if a legally sufficient hearing request is received or if the Commission on its own motion requests a hearing. Only those individuals who submit a written hearing request or a written request to be notified if a hearing is set will receive notice if a hearing is scheduled.

If a public hearing is requested, the Commission will not issue the CCN and will forward the application to the State Office of Administrative Hearings (SOAH) for a hearing. If no settlement is reached and an evidentiary hearing is held, SOAH will submit a recommendation to the Commission for final decision. If an evidentiary hearing is held, it will be a legal proceeding similar to a civil trial in state district court.

If you are a landowner with a tract of land at least 25 acres or more, that is partially or wholly located within the proposed service areas, you may request to be excluded from the proposed service areas (or "opt out") by providing written notice to the Commission within (30) days from the date that notice was provided by the applicant. All requests to opt out of the requested service areas must include a large scale map and a metes and bounds description of the tract of land.

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A copy of the request to opt out of the proposed service area must also be sent to the applicant. Staff may request additional information regarding your request.

Si desea informacion en Espanol, puede llamar al 1-512-936-7221

Notice to Neighboring Systems, Cities, Landowners and Customers

NOTICE OF APPLICATION TO AMEND CERTIFICATES OF CONVENIENCE AND NECESSITY (CCN) FOR THE PROVISION OF WATER AND SEWER SERVICE IN DENTON COUNTY, TEXAS

To: _____ Date Notice Mailed: _____, 2016
(Name of Neighboring systems, cities, landowners and customers)

(Address)

(City State Zip)

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The **proposed sewer service area** being requested is approximately 65 acres which includes 244 current customers.

See enclosed maps of the proposed water and sewer service areas.

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

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