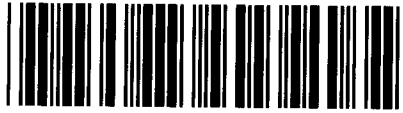


Control Number: 43895



Item Number: 16

Addendum StartPage: 0

PUC DOCKET NO. 43895

**APPLICATION OF CONCHO RURAL
WATER CORPORATION TO AMEND
A CERTIFICATE OF CONVENIENCE
AND NECESSITY IN TOM GREEN
COUNTY**

§
§
§
§
§

PUBLIC UTILITY COMMISSION

2015 JUN 29 PM 2:43

OF TEXAS

COMMISSION STAFF'S RESPONSE TO ORDER NO. 5

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this Response to Order No. 5, and would show the following:

I. BACKGROUND

On December 4, 2014, Concho Rural Water Corporation (CRWC) filed with the Public Utility Commission of Texas (Commission) an application to amend its water certificate of convenience No. 11361 in Tom Green County, Texas. Order No. 5 was issued by the administrative law judge (ALJ) on May 4, 2015, which found the application administratively incomplete and deficient. The ALJ set a deadline of June 1, 2015 for CRWC to amend its application to cure the deficiencies noted by Staff. The ALJ also set June 29, 2015 as the deadline for Staff to file a supplemental recommendation regarding administrative completeness of the amended application and notice along with a proposed procedural schedule. Accordingly, this response is timely filed.

II. RECOMMENDATION

16 Tex. Admin. Code § 24.8 (TAC) provides for the review for administrative completeness of CCN applications. Furthermore, 16 TAC § 24.105 provides the Commission's required contents of a CCN application, and 16 TAC § 24.106 provides the Commission's notice requirements for CCN applications. Staff has reviewed the supplemental filing by CRWC. As supported by the attached memorandum from Elisabeth English, Engineering Specialist, and Tracy Harbour, GIS Specialist, in the Water Utilities Division, Staff recommends that the application be declared administratively complete. Staff recommends that the City be ordered to issue notice and to submit signed affidavits indicating that notice was given, along with a copy of the actual notices issued, within 30 days of the date of notice and last publication date.¹

¹ 16 TAC § 24.106(b)(6) and (c).

III. PROCEDURAL SCHEDULE

Staff recommends the following procedural schedule:

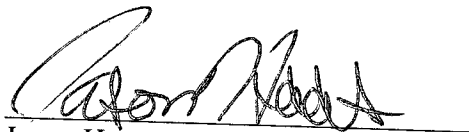
| Event | Date |
|---|---|
| Deadline for Applicant to file affidavits of proof of notice and publication | Within 30 days of the date of notice and 30 days of the last publication date |
| Deadline for intervention; deadline for intervenors to file comments or request a hearing on the merits | Within 30 days of mailing or publication of notice, whichever occurs later ² |
| Staff to propose an additional procedural schedule, request a hearing, or file a final recommendation. | August 28, 2015 |

DATED: June 29, 2015

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director - Legal Division

Karen S. Hubbard
Managing Attorney - Legal Division

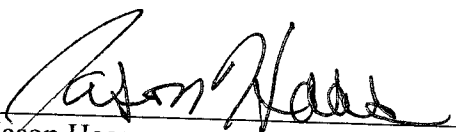


Jason Haas
Legal Division
State Bar No. 24032386
(512) 936-7295
(512) 936-7268 (facsimile)
Public Utility Commission of Texas
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326

² 16 TAC § 24.106(a)(3).

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on June 29, 2015, in accordance with 16 TAC § 22.74.



Jason Haas

PUC Interoffice Memorandum

To: Jason Haas, Attorney
Legal Division

Thru: Tammy Benter, Director
Water Utilities Division

From: Elisabeth English, Engineering Specialist
Tracy Harbour, GIS Specialist
Water Utilities Division

Date: July 29, 2015

Subject: Docket No. 43895: *Application of Concho Rural Water Corporation, to amend its water Certificate of Convenience and Necessity (CCN) in Tom Green County*

On December 1, 2014, Concho Rural Water Corporation (Applicant), filed an application to amend its water Certificate of Convenience and Necessity (CCN) No. 11361 in Tom Green County, pursuant to TEXAS WATER CODE ANN. (TWC) §§ 13.242-13.250 and 16 TEXAS ADMINISTRATIVE CODE (TAC) §§24.101-24.107.

Order No. 5, filed on May 4, 2015, found the application administratively incomplete due to mapping deficiencies. The Applicant was ordered to amend its application to cure the deficiencies no later than June 1, 2015. Additionally, Staff were requested to file a supplemental recommendation regarding the administrative completeness of the amended application no later than June 29, 2015. The Applicant supplemented its application on June 1, 2015.

Staff have reviewed the supplemental mapping information provided by the Applicant and have found that it is administratively complete. Staff recommends that the application be accepted for filing and further recommends the following:

- 1) The Applicant be ordered to provide correct 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 service area;
 - b) any city with an extraterritorial jurisdiction which overlaps the proposed service area;
 - c) landowners with more than 25 acres and any affected parties in the proposed CCN area. The landowner information may be obtained from the county appraisal district tax rolls for the county or counties in which the proposed CCN lies; and
 - d) notice to the public which must be published once each week for two (2) consecutive weeks in a newspaper of general circulation in Tom Green

County;

- 2) The Applicant include copy of a map showing the proposed service area with the individual notices to neighboring utilities, other affected parties and each landowner. It is the Applicant's burden to provide an accurate map delineating the proposed 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/>**.
- 3) The Applicant must notify **Upper Colorado River Authority** in addition to the neighboring entities listed in the application.
- 4) The Applicant be ordered to return within 30 days of the Commission order, a copy of the actual notice sent with attached signed affidavit that the notice was given.

Staff have attached notice documents for the Applicant to use. The notices provided by Staff meet the criteria set forth in TAC §24.106 and have been edited to include the correct descriptive location.

Notice for Publication

NOTICE OF APPLICATION TO AMEND A CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) TO PROVIDE WATER UTILITY SERVICE IN TOM GREEN COUNTY, TEXAS

Concho Rural Water Corporation filed an application with the Public Utility Commission of Texas to amend a Certificate of Convenience and Necessity (CCN) for the provision of water utility service in Tom Green County.

The proposed utility service area is located approximately 6 miles west of downtown San Angelo, Texas, and is generally bounded on the north by FM 2288; on the east by FM 2288; on the south by FM 853; and on the west by Pulliam Ranch Road.

The total area being requested includes approximately 28 acres and 5 current customers.

A copy of the proposed service area map is available at: Bleyl & Associates: 318 W. Highland, San Angelo Texas 76903

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 area, you may request to be excluded from the proposed area (or "opt out") by providing written notice to the Commission within (30) days from the date that notice was provided by the applicant. All request to opt out of the requested service area must include a scaled, general location map and a metes and bounds description of the tract of land.

Persons who meet the requirements to opt out, and wish to request this option should file the required documents with the:

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

A copy of the request to opt out of the proposed 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, Landowners and Cities

**NOTICE OF APPLICATION TO AMEND A CERTIFICATE OF CONVENIENCE AND
NECESSITY (CCN) TO PROVIDE WATER UTILITY SERVICE IN TOM GREEN
COUNTY, TEXAS**

To: _____
(Neighboring System, Landowner or City)

(Address)

(City State Zip)

Date Notice Mailed: _____, 2015

Concho Rural Water Corporation filed an application with the Public Utility Commission of Texas to amend a Certificate of Convenience and Necessity (CCN) for the provision of water utility service in Tom Green County.

The proposed utility service area is located approximately 6 miles west of downtown San Angelo, Texas, and is generally bounded on the north by FM 2288; on the east by FM 2288; on the south by FM 853; and on the west by Pulliam Ranch Road.

See enclosed map of the proposed service area.

The total area being requested includes approximately 28 acres and 5 current customers.

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Notice to Customers of IOUs in Proposed Area

NOTICE OF APPLICATION TO AMEND A CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) TO PROVIDE WATER UTILITY SERVICE IN TOM GREEN COUNTY, TEXAS

Dear Customer: _____

Date Notice Mailed: _____, 2015

Concho Rural Water Corporation filed an application with the Public Utility Commission of Texas to amend a Certificate of Convenience and Necessity (CCN) for the provision of water utility service in Tom Green County.

The proposed utility service area is located approximately 6 miles west of downtown San Angelo, Texas, and is generally bounded on the north by FM 2288; on the east by FM 2288; on the south by FM 853; and on the west by Pulliam Ranch Road.

See enclosed map of the proposed service area.

The total area being requested includes approximately 28 acres and 5 current customers.

A copy of the proposed service area map is available at: Bleyl & Associates: 318 W. Highland, San Angelo Texas 76903

The current utility rates which were first effective on October 1, 2011:

| | | | |
|--|-----------------|-------------------------------------|----------------------|
| Monthly Base Rate Including per <u>0</u> gallons connection for: | | Regulatory Assessment | <u>1%</u> |
| 5/8" meter | <u>\$30.00</u> | Tap Fee (average actual cost) | <u>\$750.00</u> |
| 1" meter | <u>\$42.41</u> | Reconnecting Fee: | |
| 1 1/2" meter | <u>\$80.59</u> | Non payment (\$25.00 max) | <u>\$25.00</u> |
| 2" meter | <u>\$126.59</u> | Transfer | <u>\$25.00</u> |
| Gallage charge of <u>\$1.75</u> per 1,000 gallons above minimum (same for all meter sizes) | | Customer's request | <u>\$35.00</u> |
| | | Late Fee | <u>\$5.00 or 10%</u> |
| | | Returned Check charge | <u>\$20.00</u> |
| | | Meter test fee | <u>\$25.00</u> |
| | | (Actual Cost not to exceed \$25.00) | |

Your utility rates and fees cannot be changed by this application. If you are currently paying rates, those rates must remain in effect unchanged. Rates may only be increased if the utility files and gives notice of a separate change application.

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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A copy of the request to opt out of the proposed 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



STATE OF TEXAS
COUNTY OF

Tom Green

Before me, the undersigned authority, on this day personally appeared

_____ , who being by me

duly sworn, deposes and that (s)he is the

(TITLE)

of the

Concho Rural Water Corporation

(NAME OF UTILITY)

that the attached notice was provided to customers and other affected parties by

(METHOD USED TO PROVIDE NOTICE)

on or about the following date, to wit:

(DATE)

(SIGNATURE OF UTILITY OFFICIAL)

Subscribed and sworn to before me this _____ day of _____, 20____,
to certify which witness my hand and seal of office.

Notary Public in and for the State of Texas

Print or Type Name of Notary Public

Commission Expires

PUBLIC UTILITY COMMISSION



AFFIDAVIT OF NOTICE TO NEIGHBORING UTILITIES AND AFFECTED PARTIES
DOCKET NO. 43895

STATE OF TEXAS
COUNTY OF

Tom Green

Concho Rural Water Corporation has provided individual notice to the following entities:

DATE

OATH

I, _____, being duly sworn, file this form as

_____ (indicate relationship to applicant, that is, owner, member of partnership, title of officer of corporation, or other authorized representative of applicant); that in such capacity, I am qualified and authorized to file and verify such form, am personally familiar with the notices given with this application, and have complied with all notice requirements in the application and application acceptance letter; and that all such statements made and matters set for therein are true and correct.

Applicant's Authorized Representative

If the applicant to this form is any person other than the sole owner, partner, officer of the applicant, or its' attorney, a properly verified Power of Attorney must be enclosed.

Subscribed and sworn to before me this _____ day of _____, 20____, to certify which witness my hand and seal of office.

Notary Public in and for the State of Texas

Print or Type Name of Notary Public
Commission Expires _____



STATE OF TEXAS
COUNTY OF

Tom Green

_____ , who being by me

duly sworn, deposes and that (s)he is the _____
(TITLE)

of the _____
(NAME OF NEWSPAPER)

that said newspaper is regularly published in: _____
(COUNTY/COUNTIES)

and generally circulated in _____, Texas: and
(COUNTY/COUNTIES)

that the attached notice was published in said newspaper on the following date(s), to wit:

(DATES)

(SIGNATURE OF NEWSPAPER REPRESENTATIVE)

Subscribed and sworn to before me this _____ day of _____, 20____,
to certify which witness my hand and seal of office.

Notary Public in and for the State of Texas

Print or Type Name of Notary Public

Commission Expires