



Control Number: 44028



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**DOCKET NO. 44028**

**APPLICATION OF THE CITY OF  
THREE RIVERS TO AMEND A  
CERTIFICATE OF CONVENIENCE  
AND NECESSITY IN LIVE OAK  
COUNTY (37900-C)**

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PUBLIC UTILITY COMMISSION  
OF TEXAS

**ORDER NO. 6  
DEEMING APPLICATION ADMINISTRATIVELY COMPLETE,  
ADDRESSING NOTICE; AND ESTABLISHING PROCEDURAL SCHEDULE**

**I. Application**

On April 25, 2014, the City of Three Rivers (Three Rivers or Applicant) filed with the Texas Commission on Environmental Quality (TCEQ) an application to amend a certificate of convenience and necessity in Live Oak County. The application was received by the Public Utility Commission of Texas (Commission) on September 18, 2014. In Order Nos. 3, 4, and 5 the Commission found the application administratively incomplete and deficient. On February 25, May 26, and June 30, 2015, Three Rivers filed supplemental information to address the discrepancies identified by Commission Staff.

**II. Administrative Completeness**

On July 21 and 23, 2015, Commission Staff filed additional comments on the sufficiency of the application as amended. Commission Staff finds that Applicant's application as amended is sufficient for further review. Consistent with Commission Staff's recommendation, Applicant's amended petition is deemed administratively complete.

**III. Notice**

Commission Staff has reviewed Three Rivers' proposed notice with regard to applicable statutes and rules, and recommends Three Rivers send the notice as described in Commission Staff's July 21, 2015 filing and the attached memorandum of Mary Lupo and Tracy Harbour of the Commission's Water Utility Regulation Division, using the forms attached to the Commission Staff memorandum. On July 23, 2015, Commission Staff filed amended notice correcting the CCN No. in the proposed notice attached to Staff's July 21, 2015 recommendation.

Consistent with Staff's recommendation, Three Rivers shall provide notice as described in Staff's July 21 and 23, 2015 recommendations using the forms attached to this Order. Three Rivers shall file a copy of the actual notice sent and file affidavits evidencing proof of notice by the deadline set forth below.


#### IV. Procedural Schedule

The following procedural schedule as proposed by Commission Staff is adopted:

| Event  | Date                             |
|--|----------------------------------|
| Deadline for Applicant to provide the Commission with the Affidavits of Notice, a copy of the actual notice issued with the accompanying map, and the published notice   | August 25, 2015                  |
| Deadline for affected persons to file a written protest or to intervene, deadline for affected persons to file comments, and deadline to request a hearing on the merits   | 30 days from provision of notice |
| Deadline for Commission Staff to request a hearing or to file a recommendation on final disposition or recommend an additional procedural schedule   | October 13, 2015                 |
| Deadline for Applicant to request a hearing or respond to Staff's recommendation on final disposition; or if no disputed issues exist, deadline for parties to file proposed findings of fact, conclusions of law, and ordering paragraphs | October 28, 2015                 |

SIGNED AT AUSTIN, TEXAS the 24<sup>th</sup> day of July 2015.

PUBLIC UTILITY COMMISSION OF TEXAS

  
JEFFREY J. HUHN  
ADMINISTRATIVE LAW JUDGE

## ***Notice for Publication***

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

City of Three Rivers filed an application with the Public Utility Commission of Texas to Amend Certificate of Convenience and Necessity No. 12642 for the provision of water utility service in Live Oak County.

The proposed utility service area is located approximately **3.5** miles **southwest** of downtown **Three Rivers**, Texas, and is **generally** bounded on the north **by Choke Canyon Reservoir**; on the east by **FM 1545**; on the south by **Nueces River**; and on the west by **FM 1545**.

The total area being requested includes approximately **3396** acres and **37** current customers.

A copy of the proposed service area map is available at: City of Three Rivers, City Hall, 105 N. Harborth Ave., Three Rivers, TX 78071

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 CERTIFICATE OF CONVENIENCE AND  
NECESSITY (CCN) NO. 12642 TO PROVIDE WATER UTILITY SERVICE IN LIVE OAK  
COUNTY, TEXAS**

To: \_\_\_\_\_  
(Neighboring System, Landowner or City)  
\_\_\_\_\_  
(Address)  
\_\_\_\_\_  
(City State Zip)

Date Notice Mailed: \_\_\_\_\_, 2015

City of Three Rivers filed an application with the Public Utility Commission of Texas to amend Certificate of Convenience and Necessity No. 12642 for the provision of water utility service in Live Oak County.

The proposed utility service area is located approximately **3.5** miles **southwest** of downtown **Three Rivers**, Texas, and is **generally** bounded on the north **by Choke Canyon Reservoir**; on the east by **FM 1545**; on the south by **Nueces River**; and on the west by **FM 1545**.

**See enclosed map of the proposed service area.**

The total area being requested includes approximately **3396** acres and **37** current customers.

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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