

Control Number: 44333



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DOCKET NO. 44333

APPLICATION OF CITY OF DEKALB §
TO AMEND A WATER CERTIFICATE §
OF CONVENIENCE AND NECESSITY §
IN BOWIE COUNTY §

PUBLIC UTILITY COMMISSION
2016 MAR 24 AM 11:50
OF TEXAS PUBLIC UTILITY COMMISSION
FILING CLERK


**ORDER NO. 9
CITY OF DEKALB RESPONSE DEADLINE AND NOTICE FORMS**

This Order addresses Commission Staff's March 21, 2016 recommendation that the notice provided by the City of DeKalb in this application remains deficient, as specifically described in Commission Staff's filing and the attached memorandum of Leila Guerrero of the Commission's Water Utility Regulation Division. Commission Staff stated that DeKalb has issued incorrect notices on three different occasions and that the most recent notice issued by DeKalb contains incorrect language. Therefore, Commission Staff recommended that this application be dismissed without prejudice to refiling of same and that DeKalb be allowed to respond to Commission Staff's recommendation, perhaps suggesting remedies or explaining the discrepancy between the language recommended by Commission Staff and the language in the notice issued by the City.

On or before **March 28, 2016**, DeKalb may respond to Commission Staff's March 21, 2016 recommendation.¹ Additionally, to assist DeKalb in responding to Staff and eliminate possible confusion, the correct and approved notice forms for DeKalb to use in this application were attached to Commission Staff's April 16, 2015 recommendation and are attached to this Order.

SIGNED AT AUSTIN, TEXAS the 24th day of March 2016.

PUBLIC UTILITY COMMISSION OF TEXAS



SUSAN E. GOODSON
ADMINISTRATIVE LAW JUDGE

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¹ 16 Tex. Admin. Code § 22.78(a).

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Notice for Publication

NOTICE OF APPLICATION FOR CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) TO PROVIDE WATER UTILITY SERVICE IN BOWIE COUNTY, TEXAS

City of DeKalb filed an application to amend CCN No. 10524 and to obtain dual certification with a portion of Central Bowie County WSC, CCN No. 10525 with the Public Utility Commission of Texas to provide water utility service in Bowie County.

The proposed service area is located approximately 1.0 mile west of downtown DeKalb, Texas, and is generally bounded on the north by SW Front St.; on the east by Rutherford St.; on the south by 1 mile north of East Elliot Ln; and on the west by US 259.

The total area being requested includes approximately 64 acres and 0 current customers.

The proposed amendment affects customers and/or areas located in the following zip code: 75559.

A copy of the proposed service area map is available at: City of DeKalb, City Hall, 110 East Grizzly drive, DeKalb, TX 75559-1800, PH No. (903)-667-2410.

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
Water Utilities Division
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, the 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
Water Utilities Division
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 FOR CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) TO PROVIDE WATER UTILITY SERVICE IN BOWIE COUNTY, TEXAS

To: _____ Date Notice Mailed: _____, 2014
(Neighboring System, Landowner or City)

(Address)

(City State Zip)

City of DeKalb filed an application to amend CCN No. 10524 and to obtain dual certification with a portion of Central Bowie County WSC, CCN No. 10525 with the Public Utility Commission of Texas to provide water utility service in Bowie County.

The proposed service area is located approximately 1.0 mile west of downtown DeKalb, Texas, and is generally bounded on the north by **SW Front St.**; on the east by **Rutherford St.**; on the south by **1 mile north of East Elliot Ln**; and on the west by **US 259**.

See enclosed map of the proposed service area.

The total area being requested includes approximately 64 acres and 0 current customers.

The proposed amendment affects customers and/or areas located in the following zip code: 75559.

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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PUBLIC UTILITY COMMISSION



AFFIDAVIT OF NOTICE TO NEIGHBORING UTILITIES, LANDOWNERS AND AFFECTED PARTIES
DOCKET NO. _____

STATE OF TEXAS
COUNTY OF _____

_____ has provided individual notice to the following entities and landowners:

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 _____