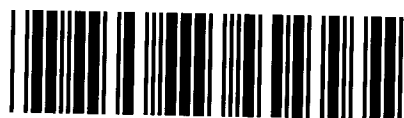




Control Number: 44695



Item Number: 8

Addendum StartPage: 0

DOCKET NO. 44695

APPLICATION OF CRYSTAL CLEAR WATER SUPPLY CORPORATION FOR A SEWER CERTIFICATE OF CONVENIENCE AND NECESSITY IN COMAL COUNTY	§	PUBLIC UTILITY COMMISSION OF TEXAS FILING CLERK
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COMMISSION STAFF'S RESPONSE TO ORDER NO. 2

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest and files this Response to Order No. 2, and would show the following:

I. BACKGROUND

On May 1, 2015, Crystal Clear Water Supply Corporation (Crystal Clear or Applicant) filed with the Public Utility Commission of Texas (Commission) an application (Application) to obtain a new sewer certificate of convenience and necessity (CCN) in Comal County, Texas pursuant to Tex. Water Code §§ 13.242-250 (TWC) and 16 Tex. Admin. Code §§ 24.101-24.107 (TAC).

Order No. 2 deemed the Application insufficient for filing and allowed Crystal Clear until June 12, 2015 to address the deficiencies identified by Staff. On June 12, 2015, Crystal Clear filed an amended application. Order No. 2 allowed Staff until July 3, 2015 to file a supplemental recommendation regarding administrative completeness of the amended application and notice along with a proposed procedural schedule. Therefore, this pleading is timely filed.

II. RECOMMENDATION

As explained in the memorandum (Attachment A) of Sean Scaff and Komal Patel of the Water Utilities Division, Staff recommends that the amended Application and notice provided by the Applicant be deemed sufficient. Attachment A also includes instructions for providing notice. Attachment B includes a sample draft notice and affidavits.

III. PROPOSED PROCEDURAL SCHEDULE

Staff proposes the adoption of the following procedural schedule:

Event	Date
Deadline for Applicant to submit the Affidavits of Notice, the individual notice issued with the accompanying map, and the published notice.	August 3, 2015
Deadline for filing Comments or Request for Intervention, and deadline for Intervenors to request a hearing	30 days after Applicant mails or publishes notice, whichever occurs later
Deadline for Staff to file an additional procedural schedule with hard deadlines. ¹	September 7, 2015

IV. CONCLUSION

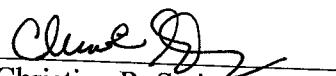
Staff respectfully requests the entry of an order consistent with the above recommendation.

¹ Thirty days after Staff receives the Affidavits of Notice, Staff will know whether comments or requests to opt out of the CCN have been filed or a hearing has been requested by Intervenors and Staff will be able to set other procedural deadlines appropriately.

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director
Legal Division

Stephen Mack
Managing Attorney
Legal Division

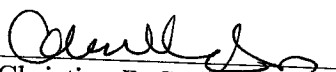

Christina R. Switzer

Attorney-Legal Division
State Bar No. 24066171
(512) 936-7216
(512) 936-7268 (facsimile)
Public Utility Commission of Texas
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326

DOCKET NO. 44695

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on this the July 2, 2015 in accordance with 16 TAC 22.74.


Christina R. Switzer

ATTACHMENT A
(Subject Matter Expert's Recommendation Memo)

PUC Interoffice Memorandum

To: Christina Switzer, Attorney
Legal Division

Through: Tammy Benter, Director
Water Utilities Division

From: Sean Scaff, Engineering Specialist
Komal Patel, GIS Specialist
Water Utilities Division

DATE: June 24, 2015

SUBJECT: Docket No. 44695, *Application of Crystal Clear WSC to obtain a sewer CCN in Comal County, Texas*

On May 1, 2015, Crystal Clear Water Supply Corporation (Applicant) filed an application to obtain a sewer Certificate of Convenience and Necessity in Comal County, Texas. This application is being reviewed pursuant to Texas Water Code §§ 13.242-250 and 16 Tex. Admin. Code §§ 24.101-24.107. Order No. 1 requested that Staff provide a recommendation regarding administrative completeness of this application by July 3, 2015.

Staff's review of the above referenced application and supplemental filings on June 12, 2015, and recommends the application be deemed sufficient for filing. Staff 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 five (5) miles of the proposed service area;
 - b) any city with an extraterritorial jurisdiction which overlaps the proposed service area;
 - c) notice to the public which must be published once each week for two (2) consecutive weeks in a newspaper of general circulation in Comal County;
- 2) The Applicant be ordered to 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; and
- 3) Notify the entities shown below **in addition to** the neighboring entities listed in the application:
 - Canyon Regional WA
 - Comal Co WID 1
 - Guadalupe-Blanco RA

- Upper San Marcos Watershed Reclamation & FCD

- 4) The Applicant be ordered to return copies of the actual notices sent, the map that was sent with the individual notices, and the attached signed affidavit that the notice was given by August 3, 2015.

It is recommended that the Applicant use the attached sample draft notices and affidavits to meet these requirements.

Attachment B
(Sample Notices and Affidavits)

Notice for Publication

NOTICE OF APPLICATION TO OBTAIN A CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) TO PROVIDE SEWER UTILITY SERVICE IN COMAL COUNTY, TEXAS

Crystal Clear Water Supply Corporation filed an application with the Public Utility Commission of Texas to obtain a Certificate of Convenience and Necessity for the provision of sewer utility service in Comal County.

The proposed utility service area is located approximately 7 miles **northwest** of downtown **New Braunfels**, Texas, and is **generally** bounded on the north **1/2 mile south of Watson Lane**; on the east by **Union Pacific Rail Road**; on the south by **1 mile north of Conrads Lane**; and on the west by **FM 1102**.

The total area being requested includes approximately **88** acres and **184** current customers.

A copy of the proposed service area map is available at: **2370 FM 1979, San Marcos, Texas 78666**.

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 OBTAIN A CERTIFICATE OF CONVENIENCE AND
NECESSITY (CCN) TO PROVIDE SEWER UTILITY SERVICE IN COMAL COUNTY,
TEXAS

To: _____
(Neighboring System, Landowner or City)

(Address)

(City State Zip)

Date Notice Mailed: _____, 2015

Crystal Clear Water Supply Corporation filed an application with the Public Utility Commission of Texas to obtain a Certificate of Convenience and Necessity for the provision of sewer utility service in Comal County.

The proposed utility service area is located approximately 7 miles **northwest** of downtown **New Braunfels**, Texas, and is **generally** bounded on the north **1/2 mile south of Watson Lane**; on the east by **Union Pacific Rail Road**; on the south by **1 mile north of Conrads Lane**; and on the west by **FM 1102**.

See enclosed map of the proposed service area.

The total area being requested includes approximately 88 acres and 184 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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Si desea informacion en Espanol, puede llamar al 1-512-936-7221.

PUBLIC UTILITY COMMISSION



PUBLISHER'S AFFIDAVIT DOCKET NO. 44695

STATE OF TEXAS
COUNTY OF _____

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

who being by me duly sworn, deposes and that (s)he is the

_____ of the _____
(TITLE) (NAME OF NEWSPAPER)

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

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

and that the attached notice was published in said newspaper on the following dates, 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 _____

PUBLIC UTILITY COMMISSION



AFFIDAVIT OF NOTICE TO NEIGHBORING SYSTEMS, LANDOWNERS AND CITIES

DOCKET NO. 44695

STATE OF TEXAS
COUNTY OF _____

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 _____
(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 _____