



Control Number: 44816



Item Number: 37

Addendum StartPage: 0

APPLICATION OF SHARON §  
WATER SUPPLY CORPORATION §  
TO AMEND ITS CERTIFICATE OF §  
CONVENIENCE AND NECESSITY §  
IN UPSHUR AND WOOD COUNTIES §

PUBLIC UTILITY COMMISSION

OF TEXAS

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PUBLIC UTILITY COMMISSION  
FILING CLERK

## COMMISSION STAFF'S RECOMMENDATION ON SUFFICIENCY OF NOTICE

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest and files this Recommendation on Sufficiency of Notice and Response to Order No 11. In support thereof, Staff would show the following:

### I. BACKGROUND

On June 8, 2015, Sharon Water Supply Corporation (Sharon WSC or Applicant) filed with the Public Utility Commission of Texas (Commission) an application (Application) to amend its water certificate of convenience (CCN) No. 10476 in Upshur and Wood Counties, Texas. The total area requested includes approximately 23.534 acres and 50 current customers.

The Administrative Law Judge (ALJ) found the Application sufficient and administratively complete on October 14, 2016. Order No. 11 set the deadline of December 8, 2016 for Staff to file a recommendation regarding the sufficiency of the notice. This pleading is timely filed.

### II. RECOMMENDATION ON NOTICE

As noted by the attached memorandum (Attachment A) of Debbie Reyes Tamayo, Tracy Montes, Fred Bednarski III, and Julie Mathis of the Water Utilities Division, Staff recommends that the notice be found insufficient. Staff recommended and Order No. 11 instructed the Applicant to publish newspaper notice once each week for two consecutive weeks in Upshur and Wood Counties. The Applicant's proof of notice submitted on November 22, 2016 included an affidavit attesting to the provision of newspaper notice in only Wood County and only on November 9, 2016. Staff recommends the Applicant be ordered to submit proof of newspaper notice as required in Order No. 11. Staff also recommends the Applicant submit a copy of the

notice actually issued to the entities listed on the Affidavit of Notice to Neighboring Utilities, Landowners and Cities.

Staff further recommends that Sharon WSC be given until January 6, 2017 to submit additional proof of notice and that Staff be given until January 20, 2017 to file a recommendation on that notice.

Attachment A also includes notice documents for the Applicant.

#### **IV. CONCLUSION**

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

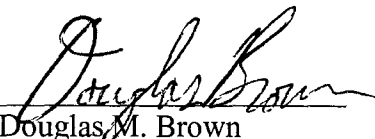
Dated: December 7, 2016

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF  
TEXAS LEGAL DIVISION**

Margaret Uhlig Pemberton  
Division Director

Stephen Mack  
Managing Attorney



Douglas M. Brown


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P.O. Box 13326  
Austin, Texas 78711-3326  
(512) 936-7268 (facsimile)

**DOCKET NO. 44816**

**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on December 7, 2016 in accordance with 16 TAC § 22.74.

  
\_\_\_\_\_  
Douglas M. Brown

# **ATTACHMENT A**

## PUC Interoffice Memorandum

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**To:** Petak, Alexander, Attorney  
Legal Division

**Thru:** Tammy Benter, Director  
Lisa Fuentes, Manager  
Debi Loockerman, Manager  
Heidi Graham, Manager  
Water Utilities Division

**From:** Debbie Reyes Tamayo, Program Specialist  
Tracy Montes – GIS Specialist  
Fred Bednarski III, Financial & Managerial Review Specialist  
Jolie Mathis, Engineering Specialist  
Water Utilities Division

**Date:** December 7, 2016

**Subject:** **Docket No. 44816:** *Application of Sharon Water Supply Corporation (WSC) to Amend its Certificate of Convenience and Necessity in Upshur and Wood Counties.*

On June 8, 2015, Sharon WSC (Applicant) filed with the Public Utility Commission of Texas (Commission) an application requesting to amend its water Certificate of Convenience and Necessity (CCN) No. 10476 in Upshur and Wood Counties, Texas. The application is being reviewed under Texas Water Code §13.254(d) (TWC) and Title 16 Tex. Admin. Code §§24.115 and 24.102(a) (1) (TAC).

Staff reviewed the information filed by the Applicant on November 22, 2016, and found the notice documents insufficient; therefore, Staff recommends the following:

- The Applicant be ordered to provide notice of the application by publishing the notice once each week for **two (2) consecutive weeks** in a newspaper of general circulation in **Upshur and Wood Counties**. The applicant appears to have provided newspaper notice in Wood County and only on November 9, 2016.
- The Applicant should provide a copy of the notice issued to the entities listed on the Affidavit of Notice to Neighboring Utilities, Landowners and Cities.

***Notice for Publication***

NOTICE OF APPLICATION TO AMEND A CERTIFICATE OF CONVENIENCE AND  
NECESSITY (CCN) TO PROVIDE WATER UTILITY SERVICE IN  
UPSHUR AND WOOD COUNTIES, TEXAS

Sharon WSC has filed an application with the Public Utility Commission of Texas to amend a Certificate of Convenience and Necessity for the provision of water utility service in Upshur and Wood Counties.

The proposed water CCN service areas is located approximately 9 miles northeast of downtown Quitman, Texas, and is generally bounded on the north by FM 2088 on the east by FM 852 on the south by approximately 500 feet from Texas 154 on the west by approximately 250 feet from FM 312

The proposed water CCN service area requested includes approximately 21,342 acres and 0 current customers.

A copy of the proposed water service area map is available at:

6175 N State Highway 37, Winnsboro TX 75494-6492- (903)342-3525

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 requests to opt out of the requested service area must include a large scale 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

If you need information about this notice, please call (903)342-3525



PUBLIC UTILITY COMMISSION



PUBLISHER'S AFFIDAVIT  
DOCKET NO. 44816

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 \_\_\_\_\_