



Control Number: 44843



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RECEIVED

APPLICATION OF CHILDRESS §  
 CREEK WATER SUPPLY §  
 CORPORATION TO AMEND ITS §  
 WATER CERTIFICATE OF §  
 CONVENIENCE AND NECESSITY IN §  
 BOSQUE COUNTY BY §  
 DECERTIFYING THE VM §  
 NEIGHBORS WATER GROUP TRACTS §

PUBLIC UTILITY COMMISSION

2016 APR 15  
PUBLIC UTILITY COMMISSION  
OF TEXAS

### COMMISSION STAFF'S SUPPLEMENTAL RECOMMENDATION

Commission Staff (Staff) of the Public Utility Commission of Texas (Commission) files its Supplemental Recommendation. In support of its Supplemental Recommendation, Staff states the following:

#### I. Background

Childress Creek Water Supply Corporation (Childress Creek WSC) requests that the Commission decertify a portion of the service area certificated under water Certificate of Convenience and Necessity No. 11000. The service area is in Bosque County, Texas.

On April 16, 2015, the Administrative Law Judge entered Order No. 2, which found Childress Creek WSC's application not administratively complete due to certain deficiencies identified by Staff.

On March 17, 2016, Childress Creek WSC submitted additional mapping information in response to Order No. 2.

#### II. Supplemental Recommendation

Staff has reviewed the additional mapping information submitted by Childress Creek WSC, and Staff recommends that the Commission deem Childress Creek WSC's application to be administratively complete.<sup>1</sup> With regard to notice, Staff recommends that Childress Creek WSC provide notice to the following:<sup>2</sup>

- a. Any districts, utilities and cities within two (2) miles of the proposed service area;

<sup>1</sup> Staff's recommendation is based on the attached memorandum from Debbie Reyes Tamayo from the Water Utilities Division.

<sup>2</sup> The form notices and affidavits are attached to Ms. Tamayo's memorandum.

- b. Any city with an extraterritorial jurisdiction that overlaps the proposed service area;
- c. The county judge of each county in the proposed service area;
- d. Any groundwater conservation district that is wholly or partly included in the proposed service area;
- e. Bosque County;
- f. Brazos River Authority; and
- g. Middle Trinity Groundwater Conservation District.

Childress Creek WSC should include with the notice of its application a copy of a map that shows the proposed service area(s) with enough detail to accurately locate the proposed service area(s) in reference to verifiable man-made and/or natural landmarks such as roads, railroads, and rivers.

In addition to providing notice to the entities listed above, Staff recommends that Childress Creek WSC publish notice of its application once each week for two consecutive weeks in a newspaper of general circulation in Bosque County, Texas.

### **III. Procedural Schedule**

To assist in the processing of Childress Creek WSC's application, Staff requests that the Commission adopt the following procedural schedule:

<b>Event</b>	<b>Deadline</b>
Deadline for Childress Creek WSC to file affidavits regarding the provision and publication of notice	May 20, 2016
Deadline for Staff to file a supplemental procedural schedule	June 3, 2016
Intervention deadline and deadline for intervenors to file comments or request a hearing	30 days after the mailing or publication of notice, whichever occurs later

### **IV. Conclusion**

Staff recommends that the Commission deem Childress Creek WSC's application administratively complete and adopt the proposed procedural schedule detailed above.

Date: April 15, 2016

Respectfully Submitted,

Margaret Uhlig Pemberton  
Division Director  
Legal Division

Stephen Mack  
Managing Attorney  
Legal Division



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Sam Chang  
State Bar No. 24078333  
Attorney, Legal Division

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*Commission Staff of the Public Utility  
Commission of Texas*

**DOCKET NO. 44843**

**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on April 15, 2016, in accordance with 16 Tex. Admin. § 22.74.



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Sam Chang

## PUC Interoffice Memorandum

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**To:** Sam Chang, Attorney  
Legal Division

**From:** Debbie Reyes Tamayo, Program Specialist  
Tracy Montes, GIS Specialist  
Water Utilities Division

**Thru:** Tammy Benter, Director  
Lisa Fuentes, Work Leader  
Water Utility Regulation Division

**Date:** April 14, 2016

**Subject:** **Docket No. 44843;** *Application of Childress Creek Water Supply Corporation (WSC) to Amend its Water Certificate of Convenience and Necessity (CCN) in Bosque County by Decertifying the VM Neighbors Water Group Tracts*

On June 16, 2015, Childress Creek WSC (Applicant) filed an application to decertify a portion its Certificate of Convenience and Necessity (CCN) No. 11000 in Bosque County pursuant to 16 Tex. Admin. Code §§ 24.102 through 24.105 (TAC) and Tex. Water Code § 13.246(c) (TWC). The purpose of the application is to decertify the proposed area so that VM Neighbors Water Group, who currently provides service to eight customers located in the proposed area, can proceed with their filing to obtain exempt registration status in Docket No. 44849.

Staff has reviewed the maps submitted on March 17, 2016, and finds the application administratively complete and sufficient for filing pursuant to 16 TAC §§24.8. Staff recommends the following:

- 1) The Applicant to provide correct notice of the application to the following:
  - any districts, utilities and cities within two (2) miles of the proposed service area;
  - any city with an extraterritorial jurisdiction which overlaps the proposed service area;
  - county judge of each county;
  - any groundwater conservation district that is wholly or partly included in the proposed area;
  - publish notice once each week for two (2) consecutive weeks in a newspaper of general circulation in Bosque County.

The 2-mile notice list is incomplete. Notify the entities shown below **in addition** to the neighboring entities listed in the application:

- Bosque County
  - Brazos River Authority
  - Middle Trinity Groundwater Conservation District
- 2) The Applicant should include a copy of a map with the individual notices to neighboring utilities, other affected parties, and each landowner. The map should show **only** the proposed service area(s) with enough detail to accurately locate the proposed service area(s) in reference to verifiable man-made and/or natural landmarks such as roads, railroads, and rivers. It is the Applicant's burden to provide an accurate map delineating

the proposed service 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/>

Within 30 days of the Commission order, the Applicants should submit a copy of the actual notice issued, the map issued with the individual mailed notice, tear sheets of the newspaper notice, and the signed affidavits (copies attached), indicating that the notice was given.

Additional financial or technical information may be requested through future correspondence that will be addressed during Staff's technical review of the application. Failure to provide the requested information may delay processing of the application.

TB/LF/DRT

## ***Notice for Publication***

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

Childress Creek Water Supply Corporation has filed an application with the Public Utility Commission of Texas to amend (decertify) a portion of its water service area under CCN No. 11000 in Bosque County.

The **proposed water service area** is located approximately 5.5 miles southeast of downtown Clifton, Texas, and is **generally** bounded on the north by approximately 125 feet north of CR 3355; on the east by the intersection of CR 3360 and CR 3355; on the south by CR 3360; and on the west by CR 3350.

The total area being requested includes approximately 100 acres.

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

**711 Navarro ST STE 500, San Antonio TX 78205-1889: 210-598-5400**

(Utility Address and Phone Number):

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



## *Notice to Neighboring Systems and Cities*

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

To: \_\_\_\_\_ Date Notice Mailed: \_\_\_\_\_, 2016  
(Neighboring System or City)  
\_\_\_\_\_  
(Address)  
\_\_\_\_\_  
(City State Zip)

Childress Creek Water Supply Corporation has filed an application with the Public Utility Commission of Texas to amend (decertify) a portion of its water service area under CCN No. 11000 in Bosque County.

The **proposed water service area** is located approximately 5.5 miles **southeast** of downtown **Clifton**, Texas, and is **generally** bounded on the north by approximately 125 feet north of CR 3355; on the east by the intersection of CR 3360 and CR 3355; on the south by CR 3360; and on the west by CR 3350.

The total area being requested includes approximately 100 acres.

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

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:

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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 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.

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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.

PUBLIC UTILITY COMMISSION



AFFIDAVIT OF NOTICE TO NOTICE NEIGHBORING SYSTEMS AND CITIES

DOCKET NO. 44843

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 \_\_\_\_\_

PUBLIC UTILITY COMMISSION



PUBLISHER'S AFFIDAVIT

DOCKET NO. 44843

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 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 \_\_\_\_\_