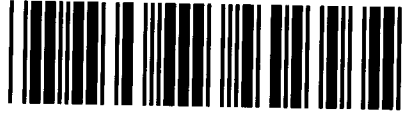




Control Number: 44963



Item Number: 8

Addendum StartPage: 0

DOCKET NO. 44963

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APPLICATION OF TWIN LAKES
WATER SUPPLY FOR A
CERTIFICATE OF CONVENIENCE
AND NECESSITY IN TARRANT
COUNTY

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§

PUBLIC UTILITY COMMISSION
PUBLIC UTILITY COMMISSION
FILING CLERK
OF
TEXAS

COMMISSION STAFF'S RECOMMENDATION ON SUFFICIENCY

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this Recommendation on Sufficiency. In support thereof, Staff shows the following:

I. BACKGROUND

On July 22, 2015, Twin Lakes Water Supply (Twin Lakes or Applicant) filed with the Public Utility Commission of Texas (Commission) an application (Application) to obtain a new water certificate of convenience and necessity (CCN) in Tarrant County, Texas.

Order No. 2 deemed the Application deficient and allowed the Applicant until September 21, 2015 to cure the deficiencies noted by Staff. Order No. 2 allowed Staff until October 21, 2015 to file a supplemental recommendation. Therefore, this pleading is timely filed.

II. RECOMMENDATION

As stated in the memorandum (Attachment A) from Heidi Graham and Tracy Harbour of the Water Utilities Division, Staff recommends that the Application be deemed sufficient for filing. Attachment A also provides instructions for issuing notice. Attachment B includes sample draft notices and affidavit of notice forms.

III. PROPOSED PROCEDURAL SCHEDULE

Staff proposes the following procedural schedule:

Event	Date
Deadline for Applicant to file sample of the notice issued, affidavits of notice, and the map included with individual notice	November 23, 2015
Deadline for parties other than Staff to file comments, intervene, or request a hearing	30 days after the issuance of notice
Deadline for Staff to file an additional procedural schedule and/or make a supplemental recommendation	January 5, 2016

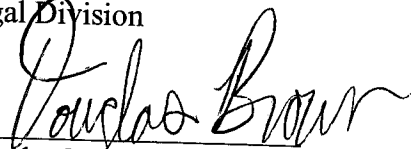
IV. CONCLUSION

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

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director
Legal Division

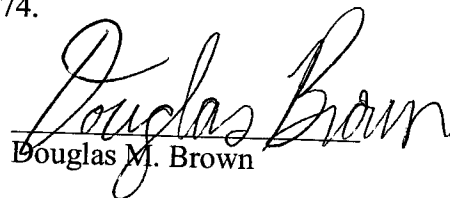
Stephen Mack
Managing Attorney
Legal Division



Douglas M. Brown
Attorney, Legal Division
State Bar No. 24048366
(512) 936-7203
(512) 936-7268 (facsimile)
Public Utility Commission of Texas
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326

DOCKET NO. 44963
CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on or before October 21, 2015 in accordance with 16 TAC § 22.74.


Douglas M. Brown

ATTACHMENT A

PUC Interoffice Memorandum

To: Douglas Brown, Attorney
Legal Division

Thru: Tammy Benter, Director
Lisa Fuentes, Work Leader
Water Utilities Division

From: Heidi Graham, Staff Engineer
Tracy Harbour, GIS Specialist
Water Utilities Division

Date: October 19, 2015

Subject: **Docket No. 44963**, Application of Twin Lakes Water Supply, to Obtain a Water Certificate of Convenience and Necessity in Tarrant County, Texas

On July 22, 2015, Twin Lakes Water Supply (Applicant) filed with the Public Utility Commission of Texas (Commission) an application to obtain a water Certificate of Convenience and Necessity (CCN) in Tarrant County, Texas. The application is being reviewed under the PUC's Substantive Rules in Chapter 24, §§24.102 - 24.107.

The Applicant is requesting a water CCN area which consists of facility lines plus 200 feet, encompasses approximately 30 acres and includes 38 current customers.

On August 20, 2015, Commission Staff filed comments that the application was not administratively complete due to mapping deficiencies and incomplete notice information. On August 24, 2015, Order No. 2 was issued, finding the application incomplete and deficient, and directed the Applicant to cure the identified deficiencies by September 21, 2015.

On September 1, 2015, the Applicant submitted additional mapping and notice information. Based on a review of the additional mapping information filed by the Applicant, Staff 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, utilities and cities within two (2) miles of the proposed service area;
 - b) any city with an extraterritorial jurisdiction which overlaps the proposed service area;
 - c) county judge of each county;
 - d) any groundwater conservation district that is wholly or partly included in the proposed area;
 - e) landowners with more than 25 acres and any affected parties in the proposed CCN area. The landowner information may be obtained from the county appraisal district tax rolls for the county or counties in which the proposed CCN lies; and
 - f) publish notice once each week for two (2) consecutive weeks in a newspaper of general circulation in Tarrant County.
- 2) The Applicant should 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. 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/>.

- 3) Notify the entities shown below **in addition to** the neighboring entities listed in the application:
- Tarrant County
 - North trinity Groundwater Control District
 - Tarrant Regional Water District
 - Trinity River Authority of Texas
- 4) 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 notice was given.

ATTACHMENT B

Notice for Publication

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

Twin Lakes Water Supply has filed an application with the Public Utility Commission of Texas to Obtain a Certificate of Convenience and Necessity for the provision of water utility service in Tarrant County.

The proposed utility service area is located approximately 2miles northwest of the intersection of Jacksboro Highway and FM 1886 in Lakeside, Texas, and is generally bounded on the north by State Highway 199 (Jacksboro Highway); on the east by Texas Highway 199 Frontage Road; on the south by Nine Mile Bridge Road; and on the west by Tenderfoot Trail.

The total area for the water CCN being requested consists of facility lines plus 200 feet, encompassing approximately 30 acres which includes 38 current customers.

A copy of the proposed service area map is available at: Twin Lakes Water Supply, 11617 Little Leaf Ct. West, Fort Worth, Texas 76135 or by calling (817) 344-8932.

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, Customers and Cities

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

To:

(Name of Neighboring systems, Customers, cities)

Date Notice Mailed: _____, 2015

(Address)

(City State Zip)

Twin Lakes Water Supply has filed an application with the Public Utility Commission of Texas to Obtain a Certificate of Convenience and Necessity for the provision of water utility service in Tarrant County.

The proposed utility service area is located approximately **2miles northwest of the intersection of Jacksboro Highway and FM 1886 in Lakeside, Texas**, and is **generally bounded on the north by State Highway 199 (Jacksboro Highway)**; on the east by **Texas Highway 199 Frontage Road**; on the south by **Nine Mile Bridge Road**; and on the west by **Tenderfoot Trail**.

The total area for the water CCN being requested consists of facility lines plus 200 feet, encompassing approximately 30 acres which includes 38 current customers.

See enclosed map of the proposed 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:

Public Utility Commission of Texas
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Austin, TX 78711-3326

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Si desea informacion en Espanol, puede llamar al 1-512-936-7221

PUBLIC UTILITY COMMISSION



PUBLISHER'S AFFIDAVIT
DOCKET NO. _____

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 NOTICE TO NEIGHBORING SYSTEMS, LANDOWNERS AND CITIES

DOCKET NO. _____

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 _____