



Control Number: 44992



Item Number: 7

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RECEIVED

APPLICATION OF TEXAMERICA CENTER AND RIVERBEND WATER RESOURCES DISTRICT FOR SALE, TRANSFER, OR MERGER OF FACILITIES AND CERTIFICATE RIGHTS IN BOWIE COUNTY	§ § § § § § §	PUBLIC UTILITY COMMISSION: 07 2015 SEP 1 AM 11:07 OF TEXAS PUBLIC UTILITY COMMISSION FILING CLERK
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COMMISSION STAFF'S CORRECTED RESPONSE TO ORDER NO. 1

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest and files this Corrected Response to Order No. 1 and would show the following:

On August 31, 2015, Staff filed its Response to Order No. 1 but inadvertently failed to include the attachments. The attachments are included in this Corrected Response to Order No. 1.

I. BACKGROUND

On July 30, 2015, TexAmerica Center (TexAmerica) and Riverbend Water Resource District (Riverbend) filed an application for approval of the sale, transfer, or merger of facilities and certificate rights in Bowie County (Application). TexAmerica currently possesses retail water Certificate of Convenience and Necessity (CCN) No. 13210 and sewer CCN No. 21067. Riverbend seeks to purchase the water and sewer facilities from TexAmerica.

On August 3, 2015, the Administrative Law Judge issued Order No. 1 requiring Staff to file comments or a recommendation regarding administrative completeness of the Application, and whether the Application notice may be required to comply with the applicable procedural rules as well as to propose a schedule for processing.

II. RECOMMENDATION

As explained in the memorandum (Attachment A) of Leila Guerrero and Kristy Nguyen of the Water Utilities Division, Staff recommends that the Application be deemed sufficient and that notice be issued. Attachment A also provides instructions for TexAmerica and Riverbend regarding notice. Attachment B provides sample draft notices and sample draft affidavits.

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III. PROCEDURAL SCHEDULE

Staff recommends the following procedural schedule:

Event	Date
Deadline for Applicants to provide the Commission with the Affidavits of Notice	October 2, 2015
Deadline for Comments or Request for Intervention, and deadline for Intervenors to request a hearing	30 days after Applicants mails or publish notice, whichever occurs later
Deadline for Staff to file an additional procedural schedule with hard deadlines ¹	October 16, 2015

IV. CONCLUSION


Staff respectfully requests that the ALJ issue an order consistent with this Response to Order No. 1.

¹ Thirty days after Staff receives the Affidavits of Notice, Staff will know whether comments 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

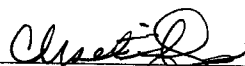


Christina R. Switzer
Attorney-Legal Division
State Bar No. 24066171
(512) 936-7216
(512) 936-7268 (facsimile)
Public Utility Commission of Texas
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326

DOCKET NO. 44992

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on September 1, 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

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

From: Leila Guerrero, Regulatory Accountant/Auditor
Kristy Nguyen, GIS Specialist
Water Utilities Division

Date: August 27, 2015

Subject: *Docket No. 44992, Application of TexAmericas Center and Riverbend Water Resources District for Sale, Transfer or Merger of Facilities and to Transfer Certificates of Rights in Bowie County, Texas*

On July 30, 2015, Riverbend Water Resources District (“Applicant” or “Riverbend”) filed an application for the sale, transfer or merger (STM) of facilities from TexAmericas Center (“TexAmericas”) and to transfer water and sewer Certificates of Convenience and Necessity (CCN) in Bowie County, Texas. Specifically, Riverbend seeks approval to acquire all water and sewer facilities and that CCN Nos. 13210 and 21067 of TexAmericas, for water and sewer, respectively, be transferred to the Applicant. The application is being reviewed pursuant to the criteria in the Tex. Water Code Ann. §§ 13.241, 13.246, and 13.301 (TWC) and 16 Tex. Admin. Code §§ 24.102, 24.109, and 24.112 (TAC).

Based on Staff’s review of the information in the application, Staff recommends the application be deemed sufficient for filing. The notice to current customers, neighboring systems and cities is attached. The Applicant should be ordered to:

- 1) Notice the following entities, in addition to those entities listed in the application, located within a 2-mile buffer of the proposed water and sewer service areas requested with this application. The Applicant is not required to notice utilities within five (5) miles because they are not adding uncertificated service area.
 - a) Burns-Redbank WSC, CCN No. 11349
 - b) Sulphur River Basin Authority, 7619000
 - c) Red River Authority of Texas, 7226000
 - d) Bowie County

- 2) Provide the correct notice of the application to the following:

- a) any districts, groundwater conservation districts, counties, utilities, cities, cities with an extraterritorial jurisdiction within two (2) miles of the proposed service areas;
 - b) any city with an extraterritorial jurisdiction which overlaps the proposed service areas; and
 - c) any customers transferred, or other affected parties in the requested area.
- 3) Include a copy of a map showing the proposed service areas with the individual notices to neighboring utilities, customers and other affected parties. It is the Applicant's burden to provide an accurate map delineating the proposed service areas 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/>

The Applicant should submit a copy of the actual notice issued, the map issued with the individual mailed notice, and the signed affidavits (copies attached), indicating that the notice was given.

Attachment B
(Sample Notices and Affidavits)

Notice to Current Customers, Neighboring Systems, and Cities

TEXAMERICAS CENTER, CCN NOS. 13210 AND 21067, NOTICE OF INTENT TO SELL WATER AND SEWER FACILITIES, AND TO TRANSFER WATER AND SEWER CERTIFICATES OF CONVENIENCE AND NECESSITY IN BOWIE COUNTY, TEXAS

To: _____ Date Notice Mailed: _____, 2015
(Name of Customer, Neighboring System, or City)

(Address)

(City State Zip)

TexAmericas Center 107 Chapel Lane, New Boston, TX 75570
(Seller's or Transferor's Name) (Address) (City) (State) (Zip Code)

has submitted an application with the Public Utility Commission of Texas (Commission) to sell all water and sewer facilities, and to transfer water and sewer Certificates of Convenience and Necessity in Bowie County, Texas to:

Riverbend Water Resources District 3930 Galleria Oaks, Texarkana, TX 75570
(Purchaser's or Transferee's Name) (Address) (City) (State) (Zip Code)

The sale is scheduled to take place as approved by the Commission (V.T.C.A., Water Code § 13.301). The transaction and the transfer of the CCNs include the following subdivision and zip code: 75570

The area subject to this transaction is located approximately .5 mile east of downtown New Boston, Texas and is **generally** bounded on the north by US HWY 82; on the east by Trexler Rd.; on the south by FM 3098; and on the west by US HWY 8.

The total area being requested includes approximately 28,952 acres and serves 68 water and 77 sewer current customers. This transaction will have the following effect on the current customers' rates and services: There will be no effect on the rates of current customers.

Affected persons may file written protests and/or request a public hearing within 30 days of this notice.

To request a hearing, you must:

- (1) state your name, mailing address and daytime telephone number;
- (2) state the applicant's name, application number or another recognizable reference to this application;
- (3) the statement "I/we request a public hearing";
- (4) write a brief description of how you, the persons you represent, or the public interest would be adversely affected by the proposed transaction

- and transfer of the CCN; and
- (5) state your proposed adjustment to the application or CCN which would satisfy your concerns and cause you to withdraw your request for a hearing.

Only those persons who submit a written request to be notified of a hearing will receive notice if a hearing is scheduled.

Persons who wish to intervene or comment should file a request in writing with the:

Filing Clerk
Public Utility Commission of Texas
1701 North Congress Avenue
P.O. Box 13326
Austin, Texas 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, Commission will not transfer 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.

Si desea informacion en Espanol, puede llamar al 1-888-782-8477

Utility Representative

Utility Name

PUBLIC UTILITY COMMISSION



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

STATE OF TEXAS
COUNTY OF _____

_____ has provided individual notice to the following entities:

	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 _____