



Control Number: 45001



Item Number: 23

Addendum StartPage: 0

APPLICATION OF RANCH §
COUNTRY OF TEXAS, INC. TO §
AMEND A WATER CERTIFICATE §
OF CONVENIENCE AND NECESSITY §
IN AUSTIN COUNTY §

PUBLIC UTILITY COMMISSION
PUBLIC UTILITY COMMISSION
OF TEXAS
FILING CLERK

**COMMISSION STAFF'S ADDITIONAL COMMENTS ON ADMINISTRATIVE
COMPLETENESS AND PROPOSED PROCEDURAL SCHEDULE**

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission) representing the public interest and files this Response to Order No. 7 and Additional Comments on Administrative Completeness and Proposed procedural schedule.

I. Background

On August 3, 2014, Ranch Country of Texas, Inc. (Ranch Country) filed an application amend its water Certificate of Convenience and Necessity (CCN) No. 12918 in Austin County (Application). On February 1, 2016, Ranch Country filed supplemental mapping information.

On March 29, 2016, the Administrative Law Judge (ALJ) issued Order No. 7 granting Staff's request for an extension and requiring Staff to file additional comments on the administrative completeness and a proposed procedural schedule by April 13, 2016. Therefore, this Response is timely filed.

II. Staff's Comments on Administrative Completeness and Notice

As detailed in the attached memorandum (Attachment A) of Patricia Garcia and Tracy Montes, in the Commission's Water Utilities Division, Staff has reviewed the Application and recommends that the Application be found administratively complete pursuant to 16 Tex. Admin. Code §§ 24.101 to 24.107 (TAC).

Staff further recommends Ranch Country be directed to:

1. Provide the attached notice forms (Attachment B) 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 area;
 - b. Any city with an extraterritorial jurisdiction which overlaps the proposed service area;

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- c. Landowners with more than 25 acres and any affected parties in the proposed service area. The landowner information may be obtained from the county appraisal district tax rolls for the county or counties in which the proposed service area lies;
 - d. Public notice which must be published once each week for two (2) consecutive weeks in a newspaper of general circulation in Austin County.
2. Provide notice to the following entities in addition to the entities listed in the Application:
 - a. Austin County
 - b. Austin County Water Supply Corporation (CCN No. 12044)
 - c. Bluebonnet Groundwater Conservation District (District No. 1546700)
 - d. Brazos River Authority (District No. 1685000)
 - e. City of Sealy
 3. Include a copy of a map showing the proposed service area with the individual notice to neighboring entities, other affected parties and each landowner. It is Ranch Country's burden to provide an accurate map delineating the proposed area with each individual notice. Information related to districts including addresses can be obtained from the TCEQ's website located at <http://www14.tceq.texas.gov/iwud/>.
 4. File a copy of the notice and map issued, along with the attached affidavits (Attachment C).

III. Proposed Procedural Schedule

Staff proposes the following procedural schedule:

<u>Event</u>	<u>Date</u>
Deadline for Ranch Country to file a copy of the notice sent to affected parties and published in a newspaper of general circulation with attached signed affidavits evidencing proof of notice	May 17, 2016
Deadline to intervene, and deadline for Intervenors to file Comments or to request a hearing	30 days after Applicants mail notice
Deadline for Staff to file a recommendation on sufficiency of notice	May 24, 2016

IV. Conclusion

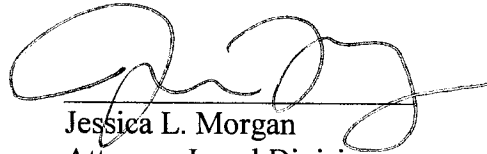
Staff respectfully requests the entry of an order consistent with this Response.

Dated: April 13, 2016

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director
Legal Division

Karen S. Hubbard
Managing Attorney
Legal Division

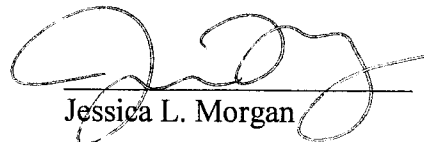


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(512) 936-7268 (facsimile)
Public Utility Commission of Texas
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326

DOCKET NO. 45001

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on this April 13, 2016 in accordance with 16 TAC § 22.74.



Jessica L. Morgan

Attachment A

PUC Interoffice Memorandum

To: Jessica Morgan
Legal Division

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

From: Patricia Garcia, Staff Engineer
Tracy Montes, GIS Specialist
Water Utilities Division

Date: April 11, 2016

Subject: **Docket 45001**, *Application of Ranch Country of Texas, Inc. to Amend its Certificates of Convenience and Necessity (CCN) in Austin County*

On August 3, 2015, Ranch Country of Texas, Inc. (Ranch Country) filed with the Public Utility Commission of Texas (Commission) an application to amend its water Certificate of Convenience and Necessity (CCN) No. 12918 in Austin County, Texas, pursuant to Texas Water Code Ann. (TWC), §§ 13.242 to 13.250 and the 16 Tex. Admin Code (TAC) §§24.101 to 24.107. The purpose of the application is to add uncertificated area and to decertify small portions of its existing CCN area.

A Staff review of the additional information filed by the applicant on March 7, 2016, found that it is sufficient in the required application and mapping information. Therefore, Staff recommends that the application be deemed sufficient for filing and found administratively complete. Staff further recommends the following:

- 1) The Applicant provide 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 area;
 - b) any city with an extraterritorial jurisdiction which overlaps the proposed service area;
 - c) landowners with more than 25 acres and any affected parties in the proposed service area. The landowner information may be obtained from the county appraisal district tax rolls for the county or counties in which the service area lies; and
 - d) public notice which must be published once each week for two (2) consecutive weeks in a newspaper of general circulation in Austin County.

- 2) Provide notice to the following entities:
 - a. Austin County
 - b. Austin County Water Supply Corporation (CCN No. 12044)
 - c. Bluebonnet Groundwater Conservation District (District No. 1546700)
 - d. Brazos River Authority (District No. 1685000)
 - e. City of Sealy
- 3) The Applicant include copy of a map showing the proposed service area with the individual notices to neighboring entities, 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 from the TCEQ's web site located at <http://www14.tceq.texas.gov/iwud/>.
- 4) Return within 30 days of the Commission order, a copy of the actual notice and map issued, along with signed affidavits indicating that the notice was given.

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

Attachment B

Notice to Neighboring Systems and Cities

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

To: _____
(Neighboring System or City)

Date Notice Mailed: _____, 2016

(Address)

(City State Zip)

Ranch Country of Texas, Inc. has filed an application with the Public Utility Commission of Texas to amend its Certificate of Convenience and Necessity for water CCN No. 12918 for the provision of water utility service in Austin County. The purpose of the application is add uncertificated area and to decertify small portions of its existing CCN service area.

The proposed water service area is located approximately 4 miles west of downtown Sealy, Texas, and is generally bounded on the north by Wildflower Road; on the east by 0.5 miles east of Little Bernard Creek; on the south by FM 2187; and on the west by the intersection of Hillboldt Road and Wildflower Road.

See enclosed map of the proposed water service area.

The **proposed water service area** requested includes approximately 122 total acres and 0 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.

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, 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.

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 for Publication

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

Ranch Country of Texas, Inc. has filed an application with the Public Utility Commission of Texas to amend its Certificate of Convenience and Necessity for water CCN No. 12918 for the provision of water utility service in Austin County. The purpose of the application is add uncertificated area and to decertify small portions of its existing CCN service area.

The proposed water service area is located approximately **4 miles west** of downtown **Sealy**, Texas, and is **generally** bounded on the north by **Wildflower Road**; on the east by **0.5 miles east of Little Bernard Creek**; on the south by **FM 2187**; and on the west by **the intersection of Hillboldt Road and Wildflower Road**.

The **proposed water service area** requested includes approximately **122** total acres and **0** current customers.

A copy of the proposed water service area map is available at (Utility Address and Phone Number):
1411 Hwy 90 West, Sealy, TX 77474 (979) 885-6262

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.

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Austin, TX 78711-3326

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

Attachment C

PUBLIC UTILITY COMMISSION



AFFIDAVIT OF NOTICE TO LANDOWNERS

DOCKET NO. 45001

STATE OF TEXAS

COUNTY OF _____

_____ has provided individual notice to the following landowners:
(NAME OF UTILITY)

DATE

(NAME OF UTILITY)	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 _____

PUBLIC UTILITY COMMISSION



AFFIDAVIT OF NOTICE TO NOTICE NEIGHBORING SYSTEMS AND CITIES

DOCKET NO. 45001

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. 45001

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 _____