



Control Number: 45211



Item Number: 15

Addendum StartPage: 0





Civil, Environmental and Surveying  
Texas Engineering Firm F-1546 Texas Survey Firm 10193949

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2016 APR 28 AM 11:37

PUBLIC UTILITY COMMISSION  
FILING CLERK

April 28, 2016

Ralph J. Daigneault  
Attorney – Legal Division  
Public Utilities Commission of Texas  
1701 N. Congress Ave, 8<sup>th</sup> Floor  
Austin, Texas 78701


Re: City of Copperas Cove – CCN Application  
Docket No. 45211  
Proof of Notice

As required by Order No. 5 received on April 11, 2016, the notice of application has been sent to all districts, groundwater conservation districts, counties, utilities, cities, and cities with extraterritorial jurisdiction within two miles of the proposed service area. The notice has also been sent out to any city with an extraterritorial jurisdiction which overlaps the proposed service area, and any customers transferred, or other affected parties in the requested area.

The notices were sent out by the City of Copperas Cove on April 20, 2016. Attached to this letter is a copy of the notices that were sent out along with a copy of the map showing the proposed service area that was included with each notice. The required completed affidavit is also attached this letter.

If you have any questions or need additional information  
please contact me.

Sincerely,



David Kneuper, P.E.



**DOCKET NO. 45211**

APPLICATION OF KEMPNER	§	PUBLIC UTILITY COMMISSION
WATER SUPPLY CORPORATION	§	
AND CITY OF COPPERAS COVE FOR	§	OF TEXAS
SALE, TRANSFER, OR MERGER OF	§	
CERTIFICATE RIGHTS IN CORYELL	§	
COUNTY (SKYLINE FLATS)	§	

**ORDER NO. 5****FINDING APPLICATION SUFFICIENT AND COMPLETE; REQUIRING NOTICE;  
AND ESTABLISHING PROCEDURAL SCHEDULE**

This Order addresses Commission Staff's recommendation that this application of Kempner Water Supply Corporation and City of Copperas Cove to sell and transfer facilities and certificate rights in Coryell County is sufficient and proposed procedural schedule.

**I. Administrative Completeness**

On April 8, 2016, Commission Staff recommended the application be found sufficient and complete. Consistent with Commission Staff's recommendation, the application is deemed administratively complete.

**II. Notice**

Commission Staff recommended that the parties be required to provide notice and submit signed affidavits indicating that notice was given, along with a copy of the actual notices and map issued. Consistent with Staff's recommendation, applicants shall provide notice of this application consistent with Commission Staff's April 8, 2016 pleading and the attached memorandum of Andrew Novak, Fred Bednarski III and Tracy Montes of the Commission's Water Utility Regulation Division, using the form attached to Commission Staff's memorandum. By the deadline established below, applicants shall file affidavits evidencing proof of notice, and shall include copies of the actual notices issued and the map provided with notice.



Docket No. 45211

Order No. 5

Page 2 of 2

### III. Procedural Schedule

Commission Staff proposed a procedural schedule for continued processing of this docket. The following procedural schedule shall apply:

Deadline for Applicants to file affidavits of proof of notice	May 9, 2016
Deadline for Staff to file comments on proof of notice and propose additional procedural schedule.	May 16, 2016
Deadline for intervention; deadline for intervenors to request a hearing on the merits	30 days after applicants mail or publish notice, whichever occurs later

Signed at Austin, Texas the \_\_\_\_\_ day of April 2016.

**PUBLIC UTILITY COMMISSION OF TEXAS**

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**SUSAN E. GOODSON**  
**ADMINISTRATIVE LAW JUDGE**





# PUBLIC UTILITY COMMISSION



AFFIDAVIT OF NOTICE TO NEIGHBORING UTILITIES, CUSTOMERS AND AFFECTED PARTIES  
DOCKET NO. 45211

STATE OF TEXAS  
COUNTY OF \_\_\_\_\_

Coryell

City of Copperas Cove has provided  
individual notice to the following entities and customers:

Bellpas Inc. (43 notices for 43 separate parcels)  
Silverado Homes Inc. (10 notices for 10 separate parcels)  
Jessica L Jenkins (3446 Doss St.)  
Claudia Hicks (3449 Doss St.)  
Kervin A & Kristy M Castillo (3442 Doss St.)  
Duran Homes Inc. (3 notices for 3 separate parcels)  
Arley D Wheeler (3429 Doss St.)  
775 County Rd. 4807 (3426 Samuel. St.)  
Timber Ridge Homes Partnership (3429 Samuel St.)  
Kempner WSC (CCN No. 10456)  
Topsey WSC (CCN No. 10454)  
Saratoga Underground Water Conservation District  
Middle Trinity Groundwater Conservation District  
Coryell County  
Lampasas County  
Brazos River Authority (District No. 1685000)  
Lower Colorado River Authority (District No. 5460000)

DATE
<u>April 20, 2016</u>
<u>April 20, 2016</u>
<u>April 20, 2016</u>
<u>April 20, 2016</u>
<u>April 20, 2016</u>
<u>April 20, 2016</u>
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<u>April 20, 2016</u>
<u>April 20, 2016</u>
<u>April 20, 2016</u>
<u>April 20, 2016</u>

## OATH

I, Andrea M. Gardner, being duly sworn, file this form as

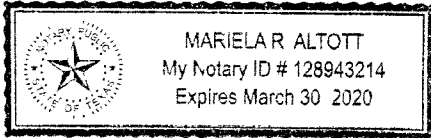
City of Copperas Cove – City Manager (indicate relationship to applicant, that is, owner, member of partnership, title of officer of corporation, or other authorized representative of applicant); that in such capacity, I am qualified and authorized to file and verify such form, am personally familiar 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.

Andrea M. Gardner  
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 21st day of April, 2016, to  
certify which witness my hand and seal of office.



Marielar R. Altott  
Notary Public in and for the State of Texas

Marielar R. Altott  
Print or Type Name of Notary Public

Commission Expires March 30, 2020



FILE: Q:\Projects\5018 (Copperas Cove)\115-2015 Kemper WSC CCN Boundary STN Application CAD\EXHIBITS\SKYLINE FLATS PH 2 SEC 2\Skyline Flats PH 2 SEC 2 OVERALL EXHIBIT 8.5x11.dwg TAB: LOC-MAP PLOTTED: 3/3/2016 11:18 AM BY: JONATHAN COMPTON



**RIVER CITY  
ENGINEERING**  
Texas Registered Engineering Firm F-0001546  
CIVIL, ENVIRONMENTAL & CONSULTING

3801 SOUTH 1<sup>ST</sup> STREET  
AUSTIN, TEXAS 78704-7047  
PHONE-(512) 442-3008  
FAX-(512) 442-8522

1011 W. COUNTY LINE ROAD, SUITE C  
NEW BRAUNFELS, TEXAS 78130  
PHONE-(830)-626-3588  
FAX-(830)-626-3601

CITY OF COPPERAS COVE

SKYLINE FLATS PHASE 2 SEC 2  
OVERALL EXHIBIT

SHEET 1 OF 1



Docket No. 45211

**Notice to Current Customers, Neighboring Systems, and Cities**

KEMPNER WATER SUPPLY CORPORATION NOTICE OF INTENT TO SELL FACILITIES AND  
TRANSFER A PORTION OF CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) NO.  
10456 TO CITY OF COPPERAS COVE IN CORYELL COUNTY, TEXAS

To: Kempner WSC (CCN NO. 10456)  
(Name of customer, neighboring system or city)  
PO BOX 103  
(Address)  
Kempner TX 76539  
(City State Zip)

Date Notice Mailed: 4/22, 201

Kempner Water Supply Corporation  
(Seller's or Transferor's Name) 11986 East Highway 190 Kempner, Texas 76539  
(Address) (City) (State) (Zip Code)

has submitted an application with the Public Utility Commission of Texas to sell facilities and transfer  
a portion of water CCN No. 10456 in Coryell County to:

City of Copperas Cove  
(Purchaser's or Transferee's Name) 914 South Main Street, Suite D. Copperas Cove, TX 76522  
(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 CCN include the following subdivision: Skyline Flats Phase 2,  
Section 2.

The area subject to this transaction is located approximately 2.5 miles west of downtown Copperas  
Cove City, Texas, and is generally bounded on the north by Grimes Crossing Rd.; on the east by Big  
Divide Rd.; on the south by Big Divide Rd.; and on the west by BNSF Railroad.

The total area being requested includes approximately 15 acres and serves 47 current customers. This  
transaction will have the following effect on current customer's rates and services: None

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) include 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  
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unless a hearing is scheduled to consider the transaction. If no protests or requests for hearing are filed

during the comment period, the Commission may issue the CCN 30 days after publication of this notice.

Persons who wish to protest or request a hearing on this application should write the:

Filing Clerk  
Public Utility Commission of Texas  
1701 North Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326

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

Andrea M. Garber  
Utility Representative

City of Copperas Cove, Tx  
Utility Name



Docket No. 45211

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10456 TO CITY OF COPPERAS COVE IN CORYELL COUNTY, TEXAS

To: Topsey WSC (CCN No. 10454)  
(Name of customer, neighboring system or city)  
4371 FM 1113  
(Address)  
Copperas Cove TX 76522  
(City State Zip)

Date Notice Mailed: 4/22, 2016

Kempner Water Supply Corporation 11986 East Highway 190 Kempner, Texas 76539  
(Seller's or Transferor's Name) (Address) (City) (State) (Zip Code)

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10456 TO CITY OF COPPERAS COVE IN CORYELL COUNTY, TEXAS

To: Saratoga Underground Water Conservation District Date Notice Mailed: 4/22, 2016  
(Name of customer, neighboring system or city)  
PO BOX 231  
(Address)  
Lampasas TX 76850  
(City) State Zip)

Kempner Water Supply Corporation 11986 East Highway 190 Kempner, Texas 76539,  
(Seller's or Transferor's Name) (Address) (City) (State) (Zip Code)

has submitted an application with the Public Utility Commission of Texas to sell facilities and transfer  
a portion of water CCN No. 10456 in Coryell County to:

City of Copperas Cove 914 South Main Street, Suite D, Copperas Cove, TX 76522,  
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TRANSFER A PORTION OF CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) NO.  
10456 TO CITY OF COPPERAS COVE IN CORYELL COUNTY, TEXAS

To: Middle Trinity Groundwater Conservation District  
(Name of customer, neighboring system or city)  
930 Wolfe Nursery Rd.  
(Address)  
Stephenville Tx 76401  
(City State Zip)

Date Notice Mailed: 4/22, 2016

Kempner Water Supply Corporation      11986 East Highway 190      Kempner, Texas      76539,  
(Seller's or Transferor's Name)      (Address)      (City) (State)      (Zip Code)

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City of Copperas Cove      914 South Main Street, Suite D,      Copperas Cove, TX 76522,  
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**Docket No. 45211**

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10456 TO CITY OF COPPERAS COVE IN CORYELL COUNTY, TEXAS

To: Coryell County Courthouse  
(Name of customer, neighboring system or city)  
1020 East Main St.  
(Address)  
Gatesville Tx 76528  
(City State Zip)

Date Notice Mailed: 4/22 2016

<u>Kempner Water Supply Corporation</u>	<u>11986 East Highway 190</u>	<u>Kempner, Texas</u>	<u>76539.</u>
(Seller's or Transferor's Name)	(Address)	(City) (State)	(Zip Code)

has submitted an application with the Public Utility Commission of Texas to sell facilities and transfer a portion of water CCN No. 10456 in Coryell County to:

<u>City of Copperas Cove</u>	<u>914 South Main Street, Suite D,</u>	<u>Copperas Cove, TX</u>	<u>76522.</u>
(Purchaser's or Transferee's Name)	(Address)	(City) (State)	(Zip Code)

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Utility Representative

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Utility Name



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10456 TO CITY OF COPPERAS COVE IN CORYELL COUNTY, TEXAS

To: Lampasas County Courthouse  
(Name of customer, neighboring system or city)  
400 South Live Oak St.  
(Address)  
Lampasas TX 76550  
(City State Zip)

Date Notice Mailed: 4/22, 2016

<u>Kempner Water Supply Corporation</u>	<u>11986 East Highway 190</u>	<u>Kempner, Texas</u>	<u>76539</u>
(Seller's or Transferor's Name)	(Address)	(City) (State)	(Zip Code)

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<u>City of Copperas Cove</u>	<u>914 South Main Street, Suite D,</u>	<u>Copperas Cove, TX</u>	<u>76522</u>
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Andrea M. Garber

Utility Representative

City of Copperas Cove, Tx

Utility Name

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10456 TO CITY OF COPPERAS COVE IN CORYELL COUNTY, TEXAS

To: Brazos River Authority (District No. 1005000)  
(Name of customer, neighboring system or city)  
PO BOX 7555  
(Address)  
WACO TX 76714  
(City State Zip)

Date Notice Mailed: 4/22, 2016

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KEMPNER WATER SUPPLY CORPORATION NOTICE OF INTENT TO SELL FACILITIES AND  
TRANSFER A PORTION OF CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) NO.  
10456 TO CITY OF COPPERAS COVE IN CORYELL COUNTY, TEXAS

To: Lower Colorado River Authority (District NO. 540000) Date Notice Mailed: 4/22, 2016  
(Name of customer, neighboring system or city)  
3700 Lake Austin Blvd.  
(Address)  
Austin TX 78703  
(City State Zip)

Kempner Water Supply Corporation 11986 East Highway 190 Kempner, Texas 76539  
(Seller's or Transferor's Name) (Address) (City) (State) (Zip Code)

has submitted an application with the Public Utility Commission of Texas to sell facilities and transfer  
a portion of water CCN No. 10456 in Coryell County to:

City of Copperas Cove 914 South Main Street, Suite D. Copperas Cove, TX 76522  
(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 CCN include the following subdivision: Skyline Flats Phase 2,  
Section 2.

The area subject to this transaction is located approximately 2.5 miles west of downtown Copperas  
Cove City, Texas, and is generally bounded on the north by Grimes Crossing Rd.; on the east by Big  
Divide Rd.; on the south by Big Divide Rd.; and on the west by BNSF Railroad.

The total area being requested includes approximately 15 acres and serves 47 current customers. This  
transaction will have the following effect on current customer's rates and services: None

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;
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hearing is scheduled. The Commission will issue the CCN requested in the referenced application  
unless a hearing is scheduled to consider the transaction. If no protests or requests for hearing are filed

during the comment period, the Commission may issue the CCN 30 days after publication of this notice.

Persons who wish to protest or request a hearing on this application should write the:

Filing Clerk  
Public Utility Commission of Texas  
1701 North Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326

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

Andrea M. Garber

Utility Representative

City of Copperas Cove, Tx

Utility Name

**Notice to Current Customers, Neighboring Systems, and Cities**

KEMPNER WATER SUPPLY CORPORATION NOTICE OF INTENT TO SELL FACILITIES AND  
TRANSFER A PORTION OF CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) NO.  
10456 TO CITY OF COPPERAS COVE IN CORYELL COUNTY, TEXAS

To:

Date Notice Mailed: 4/22, 2016

(Name of customer, neighboring system or city)

3426 Samuel St.

(Address)

Copperas Cove TX 76522

(City) State Zip

<u>Kempner Water Supply Corporation</u>	<u>11986 East Highway 190</u>	<u>Kempner, Texas</u>	<u>76539.</u>
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TRANSFER A PORTION OF CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) NO.  
10456 TO CITY OF COPPERAS COVE IN CORYELL COUNTY, TEXAS

To: Arley D. Wheeler  
(Name of customer, neighboring system or city)  
3429 Doss St.  
(Address)  
Copperas Cove TX 76522  
(City State Zip)

Date Notice Mailed: 4/22, 2016

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TRANSFER A PORTION OF CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) NO.  
10456 TO CITY OF COPPERAS COVE IN CORYELL COUNTY, TEXAS

To: Kristy M + Kervin A. Castillo  
(Name of customer, neighboring system or city)  
3442 Doss St.  
(Address)  
Copperas Cove TX 76522  
(City State Zip)

Date Notice Mailed: 4/22, 2016

Kempner Water Supply Corporation      11986 East Highway 190      Kempner, Texas      76539,  
(Seller's or Transferor's Name)      (Address)      (City) (State)      (Zip Code)

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a portion of water CCN No. 10456 in Coryell County to:

City of Copperas Cove      914 South Main Street, Suite D,      Copperas Cove, TX      76522,  
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TRANSFER A PORTION OF CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) NO.  
10456 TO CITY OF COPPERAS COVE IN CORYELL COUNTY, TEXAS

To: Claudia Hicks  
(Name of customer, neighboring system or city)  
3449 Doss St.  
(Address)  
Copperas Cove Tx 76522  
(City State Zip)

Date Notice Mailed: 4/22, 2016

Kempner Water Supply Corporation      11986 East Highway 190      Kempner, Texas      76539  
(Seller's or Transferor's Name)      (Address)      (City) (State)      (Zip Code)

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City of Copperas Cove      914 South Main Street, Suite D.      Copperas Cove, TX      76522  
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TRANSFER A PORTION OF CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) NO.  
10456 TO CITY OF COPPERAS COVE IN CORYELL COUNTY, TEXAS

To: Jessica L. Jenkins  
(Name of customer, neighboring system or city)  
3446 Doss St.  
(Address)  
Copperas Cove Tx 76522  
(City State Zip)

Date Notice Mailed: 4/22, 2016

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TRANSFER A PORTION OF CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) NO.  
10456 TO CITY OF COPPERAS COVE IN CORYELL COUNTY, TEXAS

To: Timber Ridge Homes Partnership  
(Name of customer, neighboring system or city)  
3429 Samuel St.  
(Address)  
Copperas Cove Tx 76522  
(City State Zip)

Date Notice Mailed: 4/22 2016

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To: Duran Homes Inc.  
(Name of customer, neighboring system or city)  
3430 Samuel St.  
(Address)  
Copperas Cove TX 76522  
(City State Zip)

Date Notice Mailed: 4/23 2016

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3433 Doss St.  
(Address)  
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(City) State Zip

Date Notice Mailed: 4/23, 2016

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(Name of customer, neighboring system or city)  
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(Address)  
Copperas Cove TX 76522  
(City State Zip)

Date Notice Mailed: 4/22, 2016

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transaction will have the following effect on current customer's rates and services: None

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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) include 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. The Commission will issue the CCN requested in the referenced application  
unless a hearing is scheduled to consider the transaction. If no protests or requests for hearing are filed

during the comment period, the Commission may issue the CCN 30 days after publication of this notice.

Persons who wish to protest or request a hearing on this application should write the:

Filing Clerk  
Public Utility Commission of Texas  
1701 North Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326

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

Andrea M. Garber  
Utility Representative

City of Copperas Cove, Tx  
Utility Name



**Notice to Current Customers, Neighboring Systems, and Cities**

KEMPNER WATER SUPPLY CORPORATION NOTICE OF INTENT TO SELL FACILITIES AND  
TRANSFER A PORTION OF CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) NO.  
10456 TO CITY OF COPPERAS COVE IN CORYELL COUNTY, TEXAS

To: Silverado Homes INC.  
(Name of customer, neighboring system or city)  
3400 DOSS St.  
(Address)  
Copperas Cove TX 76522  
(City State Zip)

Date Notice Mailed: 4/22, 2016

<u>Kempner Water Supply Corporation</u>	<u>11986 East Highway 190</u>	<u>Kempner, Texas</u>	<u>76539.</u>
(Seller's or Transferor's Name)	(Address)	(City) (State)	(Zip Code)

has submitted an application with the Public Utility Commission of Texas to sell facilities and transfer a portion of water CCN No. 10456 in Coryell County to:

<u>City of Copperas Cove</u>	<u>914 South Main Street, Suite D.</u>	<u>Copperas Cove, TX</u>	<u>76522.</u>
(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 CCN include the following subdivision: Skyline Flats Phase 2, Section 2.

The area subject to this transaction is located approximately 2.5 miles west of downtown Copperas Cove City, Texas, and is generally bounded on the north by Grimes Crossing Rd.; on the east by Big Divide Rd.; on the south by Big Divide Rd.; and on the west by BNSF Railroad.

The total area being requested includes approximately 15 acres and serves 47 current customers. This transaction will have the following effect on current customer's rates and services: None

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

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- (2) state the applicant's name, application number or another recognizable reference to this application;
- (3) include 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
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