

Control Number: 45369



Item Number: 8

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**DOCKET NO. 45369**

**APPLICATION OF CITY OF  
COTTONWOOD SHORES TO AMEND  
ITS CERTIFICATES OF CONVENIENCE  
AND NECESSITY IN BURNET COUNTY**

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**PUBLIC UTILITY COMMISSION**

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**OF TEXAS**  
PUBLIC UTILITY COMMISSION  
FILING CLERK

**COMMISSION STAFF'S SECOND RECOMMENDATION ON SUFFICIENCY**

**COMES NOW** the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this Commission Staff's Second Recommendation on Sufficiency and would show the following:

**I. BACKGROUND**

On November 20, 2015, the City of Cottonwood Shores (Cottonwood Shores) filed an application to amend its water certificate of convenience and necessity (CCN) No. 13185 and sewer CCN No. 21051 in Burnet County. Cottonwood Shores seeks to amend its CCNs to provide water and sewer services to an area east of the city limits.

In Order No. 1, issued December 2, 2015, Staff was given a deadline of December 21, 2015 to file a recommendation. On December 2, 2015, Staff filed a recommendation of deficiency. Order No. 2, issued December 22, 2015 found the application administratively incomplete and directed Cottonwood Shores to file an amended application by January 22, 2016, and directed Staff to file a supplemental recommendation by February 19, 2016. Cottonwood Shores filed an amended application on January 19, 2016. Therefore, this pleading is timely filed.

**II. RECOMMENDATION ON ADMINISTRATIVE COMPLETENESS**

Staff has reviewed Cottonwood Shore's application and, as supported by the attached memorandum of Andrew Novak and Kristy Nguyen of the Water Utilities Division, Staff recommends that the application is administratively complete. Staff further recommends that Cottonwood Shores provide notice as instructed in the attached memorandum.

### III. PROPOSED PROCEDURAL SCHEDULE

Staff proposes the following procedural schedule:

<i>Event</i>	<i>Date</i>
Deadline for Cottonwood Shores to file affidavits of notice	March 24, 2016
Deadline to intervene, file comments, or request a hearing	30 days after notice is issued
Deadline for Staff to file recommendation, request for hearing, and/or an additional procedural schedule	May 4, 2016

Staff notes that customers have the ability to opt out of a CCN request.<sup>1</sup> In the event customers wish to opt out of the CCN, additional procedures may be needed before Staff may make a recommendation. Additionally, in the event Staff were to recommend final approval of the CCN amendment, Staff's ability to meet the above deadline is driven in part by Staff's receipt of consent to final mapping from Cottonwood Shores. Therefore, Staff's proposed procedural allows Staff the opportunity to either file a recommendation after the customer comment period or provide an additional procedural schedule.

### IV. CONCLUSION

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

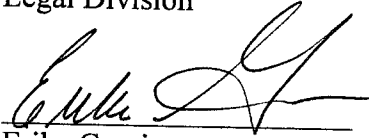
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<sup>1</sup> 16 TAC § 24.102(h).

Respectfully Submitted,

Margaret Uhlig Pemberton  
Division Director  
Legal Division

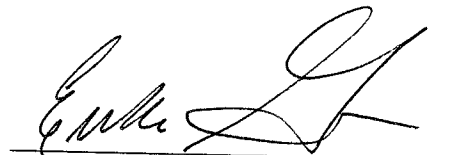
Karen S. Hubbard  
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State Bar No. 24092077  
(512) 936-7290  
(512) 936-7268 (facsimile)  
Public Utility Commission of Texas  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326

**DOCKET NO. 45369**  
**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record February 19, 2016, in accordance with 16 TAC § 22.74.

  
Erika Garcia

## PUC Interoffice Memorandum

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**To:** Erika Garcia, Attorney  
Legal Division

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

**From:** Andrew Novak, Financial Analyst  
Kristy Nguyen, GIS Specialist  
Water Utilities Division

**Date:** February 19, 2016

**Subject:** **Docket No. 45369**, *Application of City of Cottonwood Shores to Amend its Certificates of Convenience and Necessity in Burnet County.*

On November 20, 2015, the City of Cottonwood Shores (Cottonwood Shores) filed with the Public Utility Commission of Texas (Commission) an application to amend its water Certificate of Convenience and Necessity (CCN) No. 13185 and sewer CCN No. 21051 in Burnet County. Cottonwood Shores seeks to amend its CCNs to provide water and sewer services to an area east of the city limits. This application is being reviewed pursuant to 16 Tex. Admin. Code § 24.8(a) (TAC).

After review of the application, Staff recommends that the application be found sufficient for filing and that Cottonwood Shores be ordered to issue the attached notices as directed below:

- 1) In addition to those entities listed in the application, Cottonwood Shores must also notice the following entities located within 2-miles of the outer boundary of the proposed waters and sewer service areas requested with this application in accordance with 16 TAC § 24.106(b)(2):
  - Channel Oaks Water System 12109
  - Wilderness Cove Water Company 12334
  - Colibri Ranches Water System 13155
  - LCRA
  - Burnet County WCID 1
  - Horseshoe Bay WCID 1
  - Meadowlakes
  - Central Texas Groundwater Conservation District
  - Burnet County Judge

- 2) Provide the correct notice of the application to the following in accordance with 16 TAC § 24.106(b)(2):
  - a) any districts, groundwater conservation districts, counties, utilities, cities, cities with an extraterritorial jurisdiction within two (2) miles of the outer boundary of the proposed service areas;
  - b) any city with an extraterritorial jurisdiction which overlaps the proposed service areas; and
  - c) 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
  - d) notice to the public which must be published once a week for two (2) consecutive weeks in a newspaper of general circulation in Burnet County.
- 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 Cottonwood Shore'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 Cottonwood Shores from the TCEQ web site located at <http://www14.tceq.texas.gov/iwud/>
- 4) File copies of the actual notices sent and signed affidavit (blank forms attached)

Cottonwood Shores should file a copy of the actual notice and map issued with the individual mailed notice, tearsheets of the published notice, and the signed affidavits (copies attached), indicating that the publication and notice was given in accordance with 16 TAC § 24.106(b)(6).

## ***Notice for Publication***

### **NOTICE OF APPLICATION TO AMEND A CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) IN BURNET COUNTY, TEXAS**

City of Cottonwood Shores has filed an application with the Public Utility Commission of Texas to amend their water CCN No. 13185 and sewer CCN No. 21051 Burnet County.

The proposed utility service area is approximately .3 miles east of downtown Cottonwood Shores, Texas, and is generally bounded on the north by FM 2147; on the east by City of Marble Falls ETJ; on the south by Mountain Dew Road; and on the west by Horseshoe Bay.

**The proposed water and sewer service area being amended includes approximately 413 total acres which includes 0 current customers.**

A copy of the proposed service area map is available at: **The City of Cottonwood Shores, 3808 Cottonwood Drive, Cottonwood Shores, Texas 78657 Telephone (830) 693-3808.**

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, Landowners and Cities

### NOTICE OF APPLICATION TO AMEND A CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) IN BURNET COUNTY, TEXAS

To: \_\_\_\_\_ Date Notice Mailed: \_\_\_\_, 2016  
(Name of Neighboring systems, landowners, cities)  
\_\_\_\_\_  
(Address)  
\_\_\_\_\_  
(City State Zip)

City of Cottonwood Shores has filed an application with the Public Utility Commission of Texas to amend their water CCN No. 10315 and sewer CCN No. 21051 Burnet County.

The proposed utility service area is approximately .3 miles east of downtown Cottonwood Shores, Texas, and is generally bounded on the north by FM 2147; on the east by City of Marble Falls ETJ; on the south by Mountain Dew Road; and on the west by Horsehoe Bay.

**The proposed water and sewer service area being amended includes approximately 413 total acres which includes 0 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.

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# PUBLIC UTILITY COMMISSION



## AFFIDAVIT OF NOTICE TO NOTICE NEIGHBORING SYSTEMS, LANDOWNERS AND CITIES

DOCKET NO. 45369

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 \_\_\_\_\_

# PUBLIC UTILITY COMMISSION



PUBLISHER'S AFFIDAVIT  
DOCKET NO. 45369

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 \_\_\_\_\_

(COUNTY/COUNTIES)

, Texas: and

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 \_\_\_\_\_