

Control Number: 45391



Item Number: 9

Addendum StartPage: 0

DOCKET NO. 45391

**APPLICATION OF RANCH UTILITIES,
L.P. AND EMCAD WATER AND
WASTEWATER, LLC FOR SALE,
TRANSFER, OR MERGER OF
FACILITIES AND CERTIFICATE RIGHTS
IN PARKER COUNTY**

§
§
§
§
§
§

**PUBLIC UTILITY COMMISSION
OF TEXAS**

RECEIVED
2016 FEB 25 PM 2:56
PUBLIC UTILITY COMMISSION
FILING CLERK

**COMMISSION STAFF'S SUPPLEMENTAL RECOMMENDATION ON
ADMINISTRATIVE COMPLETENESS**

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this Commission Staff's Supplemental Recommendation on Administrative Completeness. In Support thereof, Staff shows the following:

I. BACKGROUND

On November 23, 2015, Ranch Utilities, L.P. (Ranch Utilities) and EMCAD Water and Wastewater, LLC (EMCAD) (jointly Applicants) filed an application for sale, transfer, or merger (STM) of facilities and certificate of convenience and necessity rights in Parker County. Specifically, EMCAD seeks approval to acquire a portion of the sewer systems assets of Ranch Utilities held under sewer Certificate of Convenience and Necessity (CCN) No. 21064 in the Sugar Tree Subdivision.¹ On January 19, 2016, Applicants filed supplemental information in response to Order No. 2.

On February 25, 2016, Staff filed its comments on the administrative completeness of the application, proposed notice, and a procedural schedule. Staff's Supplemental Recommendation on Administrative Completeness provides the affidavits of notice that were inadvertently omitted from Staff's Recommendation on Administrative Completeness. Therefore, this pleading is timely filed.

II. COMMENTS ON ADMINISTRATIVE COMPLETENESS

As detailed in the attached memorandum of Andrew Novak and Kristy Nguyen, in the Commission's Water Utilities Division, Staff finds the Applicants have cured all application and

¹ Previous filings and Orders have incorrectly stated that Ranch Utilities is acquiring EMCAD.

9

notice deficiencies. Therefore, Staff recommends the application be deemed administratively complete pursuant to 16 Tex. Admin. Code §§ 24.109 and 24.112 (TAC).

The Commission’s notice requirements for STM applications are provided by 16 TAC § 24.112. Specifically, Staff recommends the Applicants be directed to provide the attached notice to the following:

- a) any districts, groundwater conservation districts, counties, utilities, cities, cities with an extraterritorial jurisdiction within two miles of the proposed service area;
- b) any city with an extraterritorial jurisdiction which overlaps the proposed service area;
- c) any customers transferred, or other affected parties in the requested area;
- d) notice to the public which must be published once each week for two (2) consecutive weeks in a newspaper of general circulation in Parker County; and
- e) notice to the county judge of each county and to each groundwater conservation district that is wholly or partly included in the area proposed to be certified.

Applicants should notify the following entities in addition to the neighboring entities listed in its application: Upper Trinity Groundwater Conservation District.

Additionally, Staff recommends Applicants be ordered to include a copy of a map showing the proposed service area with the individual notices to neighboring utilities and other affected parties. Information related to districts including addresses can be obtained from the TCEQ web site located at <http://www.14.tceq.texas.gov/iwud/>.

III. PROPOSED PROCEDURAL SCHEDULE

Staff recommends the following procedural schedule:

Event	Date
Deadline for Applicants to file with the Commission 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.	March 9, 2016
Deadline for affected parties other than Staff to intervene, file comments, or request a hearing	Within 30 days of mailing or publication of notice, whichever occurs later ²

² 16 TAC § 24.106(a)(3).

Staff Final Recommendation, Request for Hearing, or
Recommendation on Further Procedural Schedule

May 9, 2016

IV. CONCLUSION

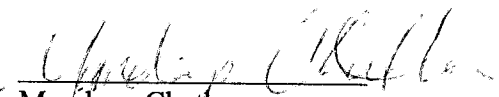
Staff respectfully requests that the ALJ issue an order consistent with this Response.

DATE: February 25, 2016

Respectfully Submitted,

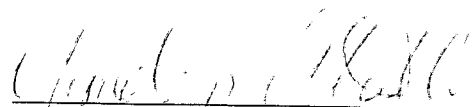
Margaret Uhlig Pemberton
Division Director
Legal Division

Stephen Mack
Managing Attorney
Legal Division


Mandeep Chatha
Attorney-Legal Division
State Bar No. 24082803
(512) 936-7163
(512) 936-7268 (facsimile)
Public Utility Commission of Texas
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326

DOCKET NO. 45391 CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on this the
February 25, 2016 in accordance with 16 TAC § 22.74.


Mandeep Chatha

PUC Interoffice Memorandum

To: Mandeep Chatha
Legal Division

Thru: Tammy Benter, Director
Water Utilities Division

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

Date: February 25, 2016

Subject: **Docket 45391**, *Application of Ranch Utilities, L.P. and EMCAD Water and Wastewater, LLC for Sale, Transfer, or Merger of Facilities and Certificate Rights in Parker County*

On November 24, 2015, Ranch Utilities, L.P. (Ranch Utilities) and EMCAD Water and Wastewater, LLC (EMCAD) (Collectively, Applicants) filed an application with the Public Utility Commission of Texas (Commission) for sale, transfer, or merger (STM) of facilities and in Parker County. Specifically, EMCAD seeks approval to acquire a portion of the sewer system assets and service area of Ranch Utilities held under sewer Certificate of Convenience and Necessity (CCN) No. 21064 in the Sugar Tree Subdivision. Upon approval of the application EMCAD will amend EMCAD's existing CCN No. 20816 to include the Sugar Tree Subdivision.

Order No. 2, issued by the Commission, deemed the application insufficient for filing and afforded the Applicants until January 29, 2016 to cure the noted deficiencies in the application. Order No. 2 also afforded Commission staff until February 25, 2016 to file a supplemental recommendation on administrative completeness.

After reviewing the application, Staff recommends the application be found administratively complete and sufficient for filing.

Furthermore, Staff recommends the Applicants be ordered to do the following:

1. In addition to those entities listed in the application, provide notice to the following entities located within a 2-mile buffer of the proposed service areas:
 - a) Upper Trinity Groundwater Conservation District
2. Provide notice of the application to the following entities:
 - 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;


- c) any customers transferred, or other affected parties in the requested area;
 - d) notice to the public which must be published once each week for two (2) consecutive weeks in a newspaper of general circulation in Parker County; and
 - e) Notice to the county judge of each county and to each groundwater conservation district that is wholly or partly included in the area proposed to be certified.
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/>.

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  day of , 20 , to
this
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 _____