



Control Number: 45400



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DOCKET NO. 45400

**APPLICATION OF TERRACE
ACRES WATER SUPPLY
CORPORATION AND BOLIVAR
WATER SUPPLY CORPORATION
FOR SALE, TRANSFER, OR
MERGER OF CERTIFICATE
RIGHTS IN DENTON COUNTY**

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**PUBLIC UTILITY COMMISSION
OF TEXAS**

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FILING CLERK

**COMMISSION STAFF'S RESPONSE TO ORDER NO. 1 REGARDING
ADMINISTRATIVE COMPLETENESS**

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

I. BACKGROUND

On November 30, 2015, Terrace Acres Water Supply Corporation (Terrace Acres WSC) and Bolivar Water Supply Corporation (Bolivar WSC) (collectively, Applicants) filed an application for sale, transfer, or merger of certificate rights in Denton County. Applicants seek approval of a sale, transfer or merger in which Bolivar WSC will acquire all of Terrace Acres WSC's certificated service area under water Certificate of Convenience and Necessity (CCN) No. 12323 in Denton County, and associated facilities. Bolivar WSC's CCN No. 11257 would be amended. There are 29 customers.

On December 4, 2015, in Order No. 1, the Commission administrative law judge (ALJ) directed Staff to file, on or before December 30, 2015, a recommendation regarding administrative completeness of this application, comments on whether additional notice may be required to comply with the applicable procedural rules, and propose a schedule for processing. Staff's recommendation regarding sufficiency of the application and notice is therefore timely filed.

II. RECOMMENDATION ON ADMINISTRATIVE COMPLETENESS

Staff has reviewed the application and recommends that it be found administratively complete in accordance with TEX. WATER CODE ANN. § 13.246 and 16 Tex. Admin. Code § 24.106 (TAC). Furthermore, 16 TAC § 24.105 provides the Commission's requirements for CCN

applications, and 16 TAC § 24.106 provides the Commission's notice requirements for CCN applications. Staff has reviewed the application and based on the attached memorandum (Attachment A) from Jolie Mathis of the Water Utilities Regulation Division, Staff recommends the application be deemed administratively complete and recommends that the application be accepted for filing. Staff also recommends that the Applicant be instructed to issue notice. Attachment A provides instructions for the Applicant regarding notice. Attachment B provides sample notice.

III. PROPOSED PROCEDURAL SCHEDULE

Staff proposes the following procedural schedule:

<u>Event</u>	<u>Date</u>
Deadline for Applicant to file affidavits of proof of notice	January 27, 2016
Deadline for intervention; deadline for intervenors to request a hearing on the merits	30 days after Applicants mails or publish notice, whichever occurs later
Deadline for Staff to file an additional procedural schedule for the remainder of the proceeding ¹	February 17, 2016

IV. CONCLUSION

Staff respectfully requests that an order be issued consistent with this Response to Order No. 1 Regarding Administrative Completeness.

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.

December 30, 2015

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director-Legal Division

Karen S. Hubbard
Managing Attorney-Legal Division

Landon J. Lill w/ permission Karen Hubbard
Landon J. Lill

Attorney-Legal Division
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Public Utility Commission of Texas
1701 N. Congress Avenue
P. O. Box 13326
Austin, Texas 78711-3326

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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on December 30, 2015, in accordance with 16 TAC § 22.74.

Landon J. Lill w/ permission Karen Hubbard
Landon J. Lill

Notice to Current Customers, Neighboring Systems, and Cities

BOLIVAR WATER SUPPLY COPORATION, CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) NO. 11257, NOTICE OF INTENT TO PURCHASE WATER FACILITIES AND TO CANCE CCN NO. 12323, FROM TERRACE ACRES WATER SUPPLY CORPORATION IN DENTON COUNTY, TEXAS

To: _____ Date Notice Mailed: _____, 2016
(Name of Customer, Neighboring System, or City)

(Address)

(City State Zip)

Bolivar WSC P.O. Box 1789, Sanger, TX 76266
(Purchaser's or Transferee's Name) (Address) (City) (State) (Zip Code)

has submitted an application with the Public Utility Commission of Texas (Commission) to purchase facilities and to transfer water service area and cancel CCN No. 12323, in Denton County, TX from:

Terrace Acres WSC P.O. Box 31, Sanger, TX 76266
(Seller's or Transferor'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 proposed area includes the following subdivision: Terrace Acres WSC.

The area subject to this transaction is located approximately 2.5 miles east of downtown Sanger, Texas and is **generally** bounded on the north by Union Hill; on the east by FM 2146; on the south by McReynolds Road.

The total area being requested includes approximately 78 acres and serves 29 current customers. This transaction will have the following effect on the current customers' rates and services: The rates will remain the same.

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 within thirty (30) days from the date of this publication or notice with:

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

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

PUC Interoffice Memorandum

To: Landon Lill, Attorney
Legal Division

Through: Tammy Benter, Director
Water Utilities Division

From: Jolie Mathis, Engineering Specialist
Tracy Montes, GIS Specialist
Water Utilities Division

SUBJECT: Docket No. 45400, *Application of Terrace Acres Water Supply Corporation and Bolivar Water Supply Corporation for Sale, Transfer, or Merger of Facilities and Certificate Rights in Denton County*

DATE: December 21, 2015

On November 30, 2015, Terrace Acres Water Supply Corporation (Terrace Acres WSC) and Bolivar Water Supply Corporation (Bolivar WSC) (collectively, Applicants) filed an application for sale, transfer, or merger of facilities and certificate rights in Denton County. Specifically, Applicants seek approval of a sale transfer or merger in which Bolivar WSC will acquire of all of Terrace Acres' certificated service area under water Certificate of Convenience and Necessity (CCN) No. 12323 in Denton County, and associated facilities. Bolivar WSC's CCN No. 11257 would be amended. There are 29 current customers.

Staff has reviewed the revised mapping information and recommends that application be deemed administratively complete and sufficient for filing. Staff further recommends the Applicant be ordered to do the following:

1. Provide the attached 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;
2. Provide notice to the following entities in addition to the entities listed in the application:
 - Denton County
 - North Texas Groundwater Conservation District
 - Brittany Hill Water Assn. Inc. (11883)
 - Cripple Creek WSC (12567)
 - Hilltop Estates WSC (12693)
 - Monarch Utilities (12983)

3. File copies of the actual notices sent and signed affidavits (blank forms attached).