



Control Number: 45762



Item Number: 25

Addendum StartPage: 0

RECEIVED

APPLICATION OF G-M WATER	§	PUBLIC UTILITY COMMISSION OF TEXAS FILING CLERK
SUPPLY CORPORATION TO	§	
AMEND ITS WATER CERTIFICATE	§	
OF CONVENIENCE AND	§	
NECESSITY IN SABINE COUNTY	§	

COMMISSION STAFF'S NOTICE DEFICIENCY RECOMMENDATION

COMES NOW the Commission Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this Notice Deficiency Recommendation. Staff is unable to determine whether G-M WSC's notice is sufficient and recommends that G-M WSC be ordered to file supplemental information as specified below. In support thereof, Staff shows the following:

I. Background

On March 25, 2016, G-M Water Supply Corporation (G-M WSC) filed an application with Frontier Park Resort & Marina (Frontier Park) for sale, transfer, or merger of facilities and CCN rights in Sabine County, Texas. Specifically, G-M WSC sought to acquire the water system assets and service area of Frontier Park held under CCN No. 12689 pursuant to Tex. Water Code § 13.301 (TWC) and 16 Tex. Admin. Code §§ 24.109 and 24.112 (TAC).

On February 6, 2017, the Commission administrative law judge (ALJ) issued Order No. 7, restyling the docket as an amendment of G-M WSC's water CCN No. 11393. On March 7, 2017, Order No. 8 was issued deeming the application administratively complete and ordering G-M WSC to file proof of notice by April 17, 2017. G-M WSC filed proof of notice on April 12, 2017. Order No. 8 also required Staff to file a recommendation regarding the sufficiency of G-M WSC's notice within 10 days of the filing of proof of notice. Therefore, this pleading is timely filed.

II. Notice Deficiency

As further detailed by the attached memorandum of Patricia Garcia of the Water Utilities Division (Attachment A), Staff has reviewed G-M WSC's proof of notice filing and determined that their proof of notice is deficient. Staff is unable to determine whether G-M WSC provided sufficient notice. First, although G-M WSC submitted a publisher's affidavit as required, it failed to attach a copy of the notice published in the *Sabine County Reporter*. Second, G-M WSC

submitted an affidavit attesting to issuance of notice to neighboring systems and cities, but failed to attach a list of persons and entities to whom such notice was issued. Third, G-M WSC failed to file a signed affidavit attesting to the issuance of notice to landowners. Finally, Staff cannot determine whether a map of the proposed area was included with the notice sent to affected persons.

Staff recommends that G-M WSC be ordered to file a copy of the published notice from the *Sabine County Reporter* and also file an affidavit containing a list of persons and entities to whom notice was mailed. Staff also recommends that G-M WSC be directed to indicate in its filing whether a map of the proposed area was included with the notice sent to affected parties. Staff has attached a copy of its recommended affidavit for mailed notice.

III. Proposed Procedural Schedule

Based on the recommendations above, Staff proposes the following procedural schedule:

Event	Date
Deadline for G-M WSC to file supplemental information	May 9, 2017
Deadline for Staff to file a supplemental recommendation regarding the sufficiency of G-M WSC's notice	Within 10 days of G-M WSC filing supplemental proof of completed notice with the Commission
Deadline to intervene	30 days after last notice is issued

IV. Conclusion

For the reasons stated above, Staff respectfully recommends that G-M WSC be ordered to sign and file a new affidavit that includes a list of the entities and persons to whom notice was sent. Staff also recommends that G-M WSC be directed to indicate in its filing whether a map of the proposed area was included with mailed notice. Finally, Staff recommends that G-M WSC be ordered to file a copy of their published notice.

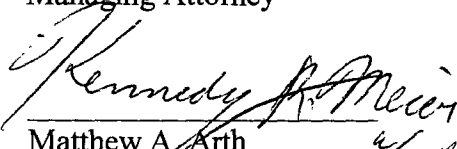
Dated: April 21, 2017

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Katherine Lengieza Gross
Managing Attorney

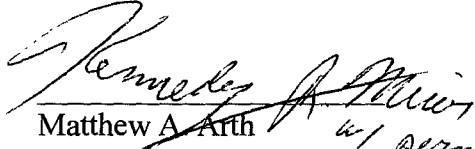

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w/ permission

P.U.C. DOCKET NO. 45762

CERTIFICATE OF SERVICE

Kennedy R. Meyer
I, ~~Matthew Arth~~, staff attorney for the Public Utility Commission of Texas, certify that a copy of this document was served on all parties of record on April 21, 2017, in accordance with the requirements of 16 Tex. Admin. Code § 22.74.


Matthew A. Arth

w/ permission

PUC Interoffice Memorandum

To: Matthew Arth
Legal Division

Thru: Tammy Benter, Director
Lisa Fuentes, Manager
Water Utilities Division

From: Patricia Garcia, Staff Engineer
Water Utilities Division

Date: April 21, 2017

Subject: **Docket 45762**, *Application of G-M Water Supply Corporation to Amend Its Water Certificate of Convenience and Necessity in Sabine County*

On March 25, 2016, G-M Water Supply Corporation (WSC) filed an application for the sale, transfer, or merger (STM) of facilities and Certificate of Convenience and Necessity (CCN) rights in Sabine County. G-M WSC seeks approval to acquire all of the water system assets of Frontier Park Resort & Marina (Frontier Park) held under water CCN No. 12689 pursuant to Texas Water Code § 13.301 (TWC) and the 16 Tex. Admin. Code (TAC) §§ 24.109 and 24.112.

On January 12, 2017, Frontier Park's CCN No. 12689 was revoked by order of Docket No. 46316. On February 1, 2017, Staff filed a status update and requested the docket be restyled from a STM proceeding to a proceeding to amend G-M WSC's CCN No. 12689. On February 6, 2017, the Commission approved the request to restyle the docket, and the application will proceed as a CCN amendment application for G-M WSC to amend their CCN to include some of the area previously shown under Frontier Park's CCN No. 12689 pursuant to TWC §§ 13.242-13.250 and 16 TAC §§ 24.101-24.107.

On April 12, 2017, in response to Order No. 8, the Applicant provided the "Publisher's Affidavit" stating that notice was published in the Sabine County Reporter in Sabine County on March 15, and 22, 2017. However, since a copy of the published notice was not included in the filing, Staff is unable to determine sufficiency of the notice. Staff requests the Applicant file a copy of the notice as it was published in the Sabine County Reporter.

The Applicant also submitted an affidavit stating that the notice was provided to all affected parties on March 9, 2017. Staff finds the affidavit insufficient since the affidavit did not include a list of the neighboring systems, cities and landowners that received notice. Staff requests the Applicant file a list along with a signed affidavit and that G-M WSC state whether or not a map of the proposed area was submitted to the affected parties along with the notice.

PUBLIC UTILITY COMMISSION



AFFIDAVIT OF NOTICE TO NEIGHBORING UTILITIES, LANDOWNERS AND CITIES DOCKET NO. 45762

STATE OF TEXAS

COUNTY OF _____

_____ has provided individual notice
to the following entities and landowners:

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 _____