

Control Number: 45879



Item Number: 5

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JOINT APPLICATION OF THE CITY OF SANGER AND BOLIVAR WATER SUPPLY CORPORATION TO AMEND CERTIFICATES OF CONVENIENCE AND NECESSITY AND FOR APPROVAL OF A WATER SERVICE AGREEMENT IN DENTON COUNTY	§ § § § § § §	PUBLIC UTILITY COMMISSION PUBLIC UTILITY COMMISSION OF TEXAS FILING CLERK
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### COMMISSION STAFF'S SUFFICIENCY RECOMMENDATION

**COMES NOW** the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this Sufficiency Recommendation. In support thereof, Staff shows the following:

#### I. BACKGROUND

On April 22, 2016, the City of Sanger and Bolivar Water Supply Corporation (Bolivar WSC) (collectively, Applicants) filed under Tex. Water Code (TWC) 13.248 an application for approval of an agreement that would amend their water certificates of convenience and necessity (CCN) in Denton County so that the City of Sanger may provide retail water and sewer utility service to two tracts of land within Bolivar WSC's CCN area. On April 27, 2016, Order No. 1 was issued requiring Staff to provide a recommendation regarding the application, proposed notice, and a proposed procedural schedule.

#### II. STAFF'S RECOMMENDATION ON ADMINISTRATIVE COMPLETENESS

The Tex. Water Code does not specify what information is required to process an application under TWC § 13.248. Therefore, Staff looks to the Commission's rules and application forms for the requested relief to approve the application. When reviewing the application, Staff intends to review each request separately according to the state and rule requirements for each type of relief requested under Tex. Water Code §§ 13.241, 13.242, and 13.246 and 16 Tex. Admin. Code §§ 24.102 and 24.106. After reviewing the application, Staff interprets the application as requesting two types of relief: (1) an amendment to the City of Sanger's water CCN to include the two tracts of land and (2) an amendment to Bolivar WSC's water CCN to remove the two tracts of land.

As detailed in the attached memo (Attachment A) from Andrew Novak and Kristy Nguyen in the Commission's Water Utilities Division, Staff recommends that the application be deemed sufficient and that the Applicants be required to provide notice. Attachment A includes instructions for providing notice and Attachment B includes sample draft notices and affidavits of notice.

### **III. PROPOSED PROCEDURAL SCHEDULE**

<b>Event</b>	<b>Deadline</b>
Deadline for Applicant to file a copy of the notice sent to affected parties with attached affidavits evidencing proof of notice	June 29, 2016
Deadline for Staff to file an updated procedural schedule based upon the date notice was mailed	July 6, 2016

### **IV. CONCLUSION**

Staff respectfully requests that an order be issued reflecting this recommendation.

Dated: May 23, 2016

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Margaret Uhlig Pemberton  
Division Director

Stephen Mack  
Managing Attorney




Christina R. Switzer  
State Bar No. 24066171  
(512) 936-7216  
(512) 936-7268 (facsimile)  
Public Utility Commission of Texas  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326

**DOCKET NO. 45879**

**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on May 23, 2016, in accordance with 16 TAC § 22.74.

  
Christina R. Switzer

## Attachment A

## PUC Interoffice Memorandum

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**To:** Christina Switzer, Attorney  
Legal Division

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

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

**Date:** May 23, 2016

**Subject:** **Docket No. 45879**, *Joint Application of the City of Sanger and Bolivar Water Supply Corporation to Amend Certificates of Convenience and Necessity and for Approval of a Water Service Agreement in Denton County*

On April 22, 2016, the City of Sanger (City or Applicant) and Bolivar Water Supply Corporation (Bolivar) filed an application, pursuant to Tex. Water Code § 13.248, for approval of an agreement that would amend their water certificates of convenience and necessity (CCN) in Denton County so that the City may provide retail water and sewer utility service to two tracts of land that Sanger Holdings, LLC plans to develop. This application is being reviewed under the criteria in the Texas Water Code, Chapter 13, and the PUC's Substantive Rules in Chapter 24.

Staff has reviewed the information provided by the applicants and recommends that the application be deemed sufficient for filing and further recommends the following:

- 1) The Applicant be ordered to provide correct notice of the petition 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 and any city with an extraterritorial jurisdiction which overlaps the proposed service area;
  - b) Affected customers; and
  - c) notice to the public which must be published once each week for two (2) consecutive weeks in a newspaper of general circulation in Denton County.
- 2) The Applicant include a copy of a map showing the proposed service area with the individual notices to neighboring utilities, other affected parties and each landowner. It is the Applicant's burden to provide an accurate map delineating the proposed area 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/>.
- 3) In addition to the entities listed in the application, the Applicant also must notify the following entities:

- Green Springs WSC 11480
- Terraced Acres WSC 12323
- Clear Creek Watershed Authority
- Upper Trinity Regional Water District

## Attachment B



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

**NOTICE OF APPLICATION OF THE CITY OF SANGER AND BOLIVAR  
WATER SUPPLY CORPORATION FOR APPROVAL OF A SERVICE  
AGREEMENT IN DENTON COUNTY, TEXAS**

To: \_\_\_\_\_ Date Notice Mailed: \_\_\_\_\_, 2016  
(Neighboring System, Customers and Cities)  
\_\_\_\_\_  
(Address)  
\_\_\_\_\_  
(City State Zip)

The City of Sanger and Bolivar Water Supply Corporation have filed an application with the Public Utility Commission of Texas for approval of a service agreement pursuant to TWC § 13.248. The purpose of the application is to amend the City of Sanger's Certificate of Convenience and Necessity (CCN) No. 10196 and to decertify a portion of Bolivar Water Supply Corporation's CCN No. 11257 in Denton County.

The proposed utility service area is located approximately 2 miles northeast of downtown Sanger, Texas, and is generally bounded on the north by Lois Road; on the east by Huling Road; on the south by FM 455; and on the west by I-35.

**See enclosed map of the proposed service area.**

The total area being requested includes approximately 88 acres and 0 current customers.

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, 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 1-512-936-7221.**

## ***Notice for Publication***

### **NOTICE OF APPLICATION OF THE CITY OF SANGER AND BOLIVAR WATER SUPPLY CORPORATION FOR APPROVAL OF A SERVICE AGREEMENT IN DENTON COUNTY, TEXAS**

To: \_\_\_\_\_ Date Notice Mailed: \_\_\_\_\_, 2016  
(Neighboring System, Customers and Cities)  
\_\_\_\_\_  
(Address)  
\_\_\_\_\_  
(City State Zip)

The City of Sanger and Bolivar Water Supply Corporation have filed an application with the Public Utility Commission of Texas for approval of a service agreement pursuant to TWC § 13.248. The purpose of the application is to amend the City of Sanger's Certificate of Convenience and Necessity (CCN) No. 10196 and to decertify a portion of Bolivar Water Supply Corporation's CCN No. 11257 in Denton County.

The proposed utility service area is located approximately 2 miles northeast of downtown Sanger, Texas, and is generally bounded on the north by Lois Road; on the east by Huling Road; on the south by FM 455; and on the west by I-35.

A map of the proposed area may be viewed at: City of Sanger, Texas, 201 Bolivar Street, Sanger, Texas, Telephone (940) 391-9694.

The total area being requested includes approximately 88 acres and 0 current customers.

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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**Si desea informacion en Espanol, puede llamar al 1-512-936-7221.**

# PUBLIC UTILITY COMMISSION



AFFIDAVIT OF NOTICE TO NEIGHBORING UTILITIES AND AFFECTED PARTIES  
DOCKET NO. 45879

STATE OF TEXAS

COUNTY OF Denton

City of Sanger 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.

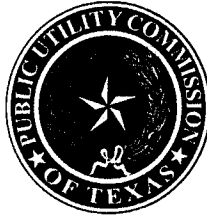
Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, to  
certify which witness my hand and seal of office.

\_\_\_\_\_  
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. 45879

STATE OF TEXAS

COUNTY OF Denton

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

\_\_\_\_\_, Texas: and  
(COUNTY/COUNTIES)

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 \_\_\_\_\_