



Control Number: 45959



Item Number: 9

Addendum StartPage: 0

**DOCKET NO. 45959**

**APPLICATION OF TOWN OF  
PROVIDENCE VILLAGE TO OBTAIN  
CERTIFICATES OF CONVENIENCE  
AND NECESSITY, DECERTIFY  
PORTIONS OF MUSTANG SPECIAL  
UTILITY DISTRICT'S CERTIFICATES,  
AND CANCEL PROVIDENCE VILLAGE  
WCID NO. 1'S CERTIFICATES IN  
DENTON COUNTY** §  
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PUBLIC UTILITY COMMISSION  
OF TEXAS  
CLERK

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

Comes now the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files its Supplemental Recommendation on Administrative Completeness in response to Order No. 2. In support thereof, Staff would show the following:

**I. Background**

On May 12, 2016, the Town of Providence Village (Providence Village or Applicant) filed with the Public Utility Commission of Texas (Commission) an application to obtain new water and sewer certificates of convenience and necessity (CCN), to amend water CCN No. 11856 and sewer CCN No. 20930 of Mustang Special Utility District (Mustang), and to cancel water CCN No. 13020 and sewer CCN No. 20922 of Providence Village WCID No. 1 in Denton County. The total area being requested includes approximately 2,012 current customers.

In Order No. 2, issued June 14, 2016, the Administrative Law Judge (ALJ) ordered (i) Providence Village to amend its application to cure any deficiencies noted by Staff by July 13, 2016 and (ii) Staff to file additional comments regarding the administrative completeness of the application and a proposed procedural schedule by July 29, 2016. Therefore, this pleading is timely filed.

**II. Staff's Recommendation**

Staff has reviewed Providence Village's amended application, and as detailed by the attached memorandum of Leila Guerrero, Patty Garcia, and Gary Horton, Jr., of the Water Utilities

Division, Staff recommends that the application be deemed administratively complete and sufficient for filing.

Staff has included as Attachments A and B proposed notice for the Applicant to provide that meets the requirements of 16 Tex. Admin. Code § 24.106 (TAC). Staff recommends that the Applicant be directed to provide this notice to: (i) any districts, utilities, and cities within two miles of the proposed service area; (ii) the county judge of each county and each groundwater conservation district that is wholly or partly included in the proposed area to be certified; (iii) each city with an extraterritorial jurisdiction (ETJ) that is wholly or partly included in the proposed area to be certified; and (iv) landowners who own a tract of land that is at least 25 acres and is wholly or partly located in the proposed area to be certified. The attached memorandum includes a list of additional neighboring entities to whom the Applicant should give notice. The Applicant should include a copy of a map showing the proposed service area with the individual notices, pursuant to 16 TAC § 24.106(a)(2). Additionally, Staff recommends that the Applicant publish notice once each week for two consecutive weeks in a newspaper of general circulation in Denton County, as required by 16 TAC § 24.106(c).

Staff recommends the Applicant file a copy of the actual notice and map sent, along with signed affidavits indicating that the notice was given. Last, in order for Staff to complete its technical review, Staff requests that the Applicant provide copies of projected financial statements (balance sheet and income statements) for five years.

### **III. Proposed Procedural Schedule**

Staff recommends the application be found administratively complete. Staff therefore proposes the following procedural schedule:

<b>Event</b>	<b>Date</b>
Deadline for Applicant to file with the Commission signed affidavits that the notice was given along with a copy of the notice sent to the affected parties and published in a newspaper of general circulation	September 12, 2016
Deadline for Staff to file a recommendation on sufficiency of notice	Within 10 days of the Applicant filing proof of completed notice with the Commission
Deadline to intervene	30 days after notice is issued

Staff intends to file an additional proposed procedural schedule with its recommendation on sufficiency of notice that includes deadlines for Staff to provide final maps and certificates, for the Applicant to file signed consent forms, and for Staff to file its recommendation on final disposition.

#### **IV. Conclusion**

Staff respectfully requests the ALJ issue an order deeming Providence Village's application administratively complete, requiring Providence Village to provide notice in accordance with Staff's recommendation, and adopting the above proposed procedural schedule.

Dated: July 28, 2016

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Margaret Uhlig Pemberton  
Division Director

Katherine Lengieza Gross  
Managing Attorney

A handwritten signature in black ink, appearing to read "Michael", written over a horizontal line.

Michael Crnich  
State Bar No. 24059626  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326  
(512) 936-7255  
(512) 936-7268 (facsimile)

**DOCKET NO. 45959**

**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on July 28, 2016, in accordance with 16 TAC § 22.74.

A handwritten signature in black ink, appearing to read "M Crnich", written over a horizontal line.

Michael Crnich

## PUC Interoffice Memorandum

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**To:** Michael Crnich, Attorney  
Legal Division

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

**From:** Leila Guerrero, Regulatory Accountant/Auditor  
Patricia Garcia, Engineering Specialist  
Gary Horton Jr., GIS Specialist  
Water Utility Regulation Division

**Date:** July 18, 2016

**Subject:** **Docket No. 45959**, *Application of Town of Providence Village to Obtain Certificates of Convenience and Necessity, Decertify Portions of Mustang Special Utility District's Certificates, and Cancel Providence Village WCID No. 1's Certificates in Denton County*

On May 12, 2016, the Town of Providence Village, ("Applicant" or "Town") filed an application to obtain water and sewer Certificates of Convenience and Necessity (CCNs), to decertify portions of Mustang Special Utility District's ("Mustang") CCN Nos. 11856 and 20930, and to cancel Providence Village WCID No. 1 CCN Nos. 13020 and 20922 in Denton County, Texas. The total area being requested includes approximately 760 acres and 2,012 current customers.

On June 13, 2016, Commission Staff filed comments that the application was not administratively complete due to mapping deficiencies and incomplete notice information. On June 14, 2016, Order No. 2 was issued, finding the application incomplete and deficient, and directed the Applicant to cure the identified deficiencies by July 13, 2016.

On July 12, 2016, the Applicant submitted additional mapping and notice information. Based on a review of the additional mapping information filed by the Applicant, Staff recommends the application be deemed administratively complete and sufficient for filing. Staff further recommends the following:

- 1) The Applicant be ordered to provide correct notice of the application to the following:
  - a) any districts, utilities, and cities within two (2) miles of the proposed service area;
  - b) the county judge of each county and each groundwater conservation district that is wholly or partly included in the proposed area to be certified;
  - c) each city with an extraterritorial jurisdiction (ETJ) that is wholly or partly included in the proposed area to be certified;
  - d) landowners who own a tract of land that is at least 25 acres and is wholly or partly located in the proposed area to be certified. The landowner information may be obtained from the county appraisal district tax rolls for the county or counties in which the proposed CCN is located; and
  - e) publish notice once each week for two (2) consecutive weeks in a newspaper of general circulation in Denton County.

- 2) The Applicant should include a copy of a map showing the proposed service areas 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 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/>.
- 3) In addition to the neighboring entities located in the application, the Applicant must notice the following neighboring entities located within a 2-mile buffer of the proposed water and sewer service areas:
  - Blackrock WSC
  - City of Cross Roads
  - City of Krugerville
  - City of Lincoln Park
  - Clear Creek Watershed Authority
  - Denton County
  - Denton County FWSD 11-A
  - Denton County FWSD 11-B
  - Denton County FWSD 11-C
  - Denton County MUD 4
  - Denton County MUD 5
  - Denton County MUD 6
  - Highway 380 MMD 1
  - North Texas Groundwater Conservation District (North Texas GCD)
  - North Texas MWD
  - Oak Point WCID 1
  - Oak Point WCID 2
  - Oak Point WCID 3
  - Oak Point WCID 4
  - Patterson Water Supply LLC
  - Prosper Management District 1
  - Smiley Road WCID
  - The Lakes FWSD of Denton County
  - Upper Trinity Regional Water District

Lastly, Staff recommends the Applicant file a copy of the actual notice and map issued, along with signed affidavits indicating that the notice was given. It is recommended that the Applicant use the attached notices and affidavits to meet these requirements.

**Technical Review:**

In order to complete the technical review, the Applicant should provide the following:

- Copies of projected financial statements (balance sheet and income statements) for five years.

## **ATTACHMENT A**



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

**NOTICE OF APPLICATION FOR CERTIFICATES OF CONVENIENCE AND NECESSITY  
(CCN) TO PROVIDE WATER AND SEWER UTILITY SERVICE IN DENTON COUNTY,  
TEXAS**

To: \_\_\_\_\_  
(Neighboring System, Landowner or City)

Date Notice Mailed: \_\_\_\_\_, 2016

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(City State Zip)

Town of Providence Village has filed an application with the Public Utility Commission of Texas to obtain a water and a sewer CCNs, to decertify portions of Mustang Special Utility District's CCN Nos. 11856 and 20930, and to cancel Providence Village WCID No. 1 CCN Nos. 13020 and 20922 in Denton County, Texas.

The proposed utility service area consists of the incorporated area of the Town of Providence Village and is located approximately 10 miles east of downtown Denton, Texas, and is generally bounded on the north by Liberty Road; on the east by Lake Lewisville and Bridgeport Drive; on the south by State Highway 380; and on the west by Dr. Sanders Road and Oak Grove Lane.

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

The total area for the water and sewer being requested includes approximately 760 acres and 2,012 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.

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 exclude the tract 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 requests to opt out of the requested service area must include a scaled, large-scale 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  
Water Utilities Division  
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.

# PUBLIC UTILITY COMMISSION



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

DOCKET NO. 45959

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

\_\_\_\_\_ of the \_\_\_\_\_  
(TITLE) (NAME OF UTILITY)

that the attached notice was provided to landowners and other affected parties by

\_\_\_\_\_  
(METHOD USED TO PROVIDE NOTICE)

on or about the following date, to wit \_\_\_\_\_,  
(DATE)

\_\_\_\_\_  
(SIGNATURE OF UTILITY OFFICIAL)

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 \_\_\_\_\_

## **ATTACHMENT B**

## ***Notice for Publication***

### **NOTICE OF APPLICATION FOR CERTIFICATES OF CONVENIENCE AND NECESSITY (CCN) TO PROVIDE WATER AND SEWER UTILITY SERVICE IN DENTON COUNTY, TEXAS**

Town of Providence Village has filed an application with the Public Utility Commission of Texas to obtain a water and a sewer CCNs, to decertify portions of Mustang Special Utility District's CCN Nos. 11856 and 20930, and to cancel Providence Village WCID No. 1 CCN Nos. 13020 and 20922 in Denton County, Texas.

The proposed utility service area consists of the incorporated area of the Town of Providence Village and is located approximately 10 miles east of downtown Denton, Texas, and is generally bounded on the north by Liberty Road; on the east by Lake Lewisville and Bridgeport Drive; on the south by State Highway 380; and on the west by Dr. Sanders Road and Oak Grove Lane.

**A copy of the proposed service area map may be viewed at:** 1745 FM 2931, Providence Village, Texas 76227; (940)365-9333.

The total area being requested includes approximately 760 acres and serves 2,012 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



PUBLISHER'S AFFIDAVIT  
DOCKET NO. 45959

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

\_\_\_\_\_ of the \_\_\_\_\_  
(TITLE) (NAME OF NEWSPAPER)

that said newspaper is regularly published in \_\_\_\_\_  
(COUNTY/COUNTIES)

and generally circulated in \_\_\_\_\_, Texas;  
(COUNTY/COUNTIES)

and that the attached notice was published in said newspaper on the following dates, 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 \_\_\_\_\_