

Control Number: 46300



Item Number: 5

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APPLICATION OF DAL-HIGH
WATER SUPPLY AND L&T WATER
WORKS FOR SALE, TRANSFER, OR
MERGER OF FACILITIES AND
CERTIFICATE RIGHTS IN
HENDERSON COUNTY

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PUBLIC UTILITY COMMISSION
PUBLIC UTILITY COMMISSION
FILING CLERK
OF TEXAS

COMMISSION STAFF'S RECOMMENDATION ON SUFFICIENCY

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this Recommendation on Sufficiency, and would show the following:

I. BACKGROUND

On August 22, 2016, Dal-High Water Supply and L&T Water Works filed an application for sale, transfer, or merger of facilities and certificate of convenience and necessity rights in Henderson County. Specifically, L&T Water Works seeks approval to acquire all of the water system assets of Dal-High Water Supply held under water Certificate of Convenience and Necessity (CCN) No. 12830. On August 25, 2016, Order No. 1 was issued, setting September 22, 2016 as the deadline for Staff to file comments/recommendation regarding administrative completeness of this application, whether additional notice may be required to comply with the applicable procedural rules, and propose a schedule for processing.

II. RECOMMENDATION ON SUFFICIENCY

Staff recommends that the application is sufficient and be deemed administratively complete, as set out in the attached memorandum from Ricky Herrera and Gary Horton, Jr. of the Water Utilities Division. Staff further recommends that the attached notice be issued to the entities set out in the memorandum, and that within 30 days, the Applicants be required to file a copy of the actual individual notice sent with attached signed and notarized affidavit that the notice was given. Staff recommends the following procedural schedule:

Event	Date
Deadline for Applicant to file proof of notice with the Commission	October 24, 2016

Deadline for Staff to file a recommendation on sufficiency of notice	Within 10 days of Applicant filing proof of completed notice with the Commission
Deadline to intervene	30 days after notice is issued

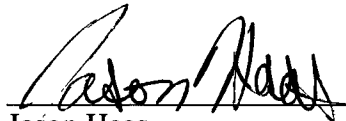
Dated: September 21, 2016

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

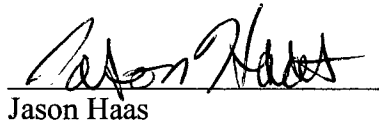
Karen Hubbard
Managing Attorney



Jason Haas
State Bar No. 24032386
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7255
(512) 936-7268 (facsimile)

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on September 21, 2016 in accordance with 16 Tex. Admin. Code § 22.74.



Jason Haas

PUC Interoffice Memorandum

To: Jason Haas
Legal Division

Thru: Tammy Benter, Director
Lisa Fuentes, Work Lead
Water Utilities Division

From: Ricky Herrera, Staff Engineer
Gary Horton, Jr., GIS Specialist
Water Utilities Division

Date: September 15, 2016

Subject: **Docket 46300**, *Application of Dal-High Water Supply and L&T Water Works for Sale, Transfer, or Merger of Facilities and Certificate Rights in Henderson County*

On August 22, 2016, L&T Water Works, LLC (L&T) and Dal-High Water Supply Company (Dal-High) (Collectively, Applicants) filed an application with the Public Utility Commission of Texas (Commission) for sale, transfer, or merger of facilities and certificate rights in Henderson County, Texas. Specifically, L&T seeks approval to acquire all of the water assets and service area of Dal-High and to cancel Dal-High's water Certificate of Convenience and Necessity (CCN) No. 12830. The application is being reviewed for administrative completeness pursuant to TEXAS WATER CODE ANN. (TWC), §§ 13.242 to 13.250 and the 16 Tex. Admin Code (TAC) §§ 24.101 to 24.107.

Staff reviewed the application and mapping information filed on August 22, 2016, and recommends that the application be deemed sufficient for filing and found administratively complete. Staff further recommends the following:

- 1) The Applicant be ordered to provide notice of the application to the following:
 - a) any districts, utilities, and cities within two (2) miles of the proposed 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; and
 - d) any customers transferred, or other affected parties in the requested area.

- 2) The Applicant should provide correct notice of the application to the following entities:
 - Bethel-Ash WSC (CCN 10821)
 - City of Athens
 - Crescent Heights WSC (CCN 10827)

- Dal-High Water (CCN 12830 – the applicant)
- Henderson County Judge
- Neches & Trinity Valleys GCD
- Rick Brown (CCN 10823)
- Trinity River Authority of Texas

3) Within 30 days of the Commission order, Staff recommends that the Applicants be required to file a copy of the actual individual notice sent with attached signed and notarized affidavit that the notice was given.

Notice to Current Customers, Neighboring Systems, and Cities

**L&T WATER WORKS, LLC, NOTICE OF INTENT TO PURCHASE
WATER FACILITIES AND TO CANCEL CERTIFICATE OF
CONVENIENCE AND NECESSITY NO. 12830 OF THE DAL-HIGH
WATER SYSTEM IN HENDERSON COUNTY, TEXAS**

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

(Address)

(City State Zip)

L&T Water Works
1560 ACR 485
Palestine, TX 75803

has submitted an application with the Public Utility Commission of Texas (Commission) to purchase water facilities and to cancel water CCN No. 12830 of:

Dal High Water System
P.O. Box 744
Athens, TX 75751

The sale is scheduled to take place as approved by the Commission (V.T.C.A., Water Code § 13.301). The transaction and the transfer of the CCN includes the following subdivision: Dal-High.

The area subject to this transaction is located approximately 2 miles northwest of downtown Athens, Texas, and is generally bounded on the north by Caney Creek; on the east by One Mile Creek; on the south by City of Athens; and on the west by US 175.

The total proposed area for the water CCN being requested includes approximately 32 acres and 46 current customers.

This transaction will have the following effect on the current customers' rates and services: No effect to customers at this time.

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

PUBLIC UTILITY COMMISSION



AFFIDAVIT OF NOTICE TO CURRENT CUSTOMERS, NEIGHBORING SYSTEMS, AND CITIES

DOCKET NO. 46300

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 customers, neighboring utilities and cities 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 _____