



Control Number: 46452



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DOCKET NO. 46452

**APPLICATION OF ALTOGA WATER
SUPPLY CORPORATION AND NORTH
COLLIN SPECIAL UTILITY DISTRICT
FOR SALE, TRANSFER, OR MERGER OF
FACILITIES AND CERTIFICATE
RIGHTS IN COLLIN COUNTY**

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PUBLIC UTILITY COMMISSION

OF TEXAS

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PUBLIC UTILITY COMMISSION
FILING CLERK

**COMMISSION STAFF'S RESPONSE TO ORDER NO. 1 RECOMMENDING THAT
APPLICATION BE FOUND ADMINISTRATIVELY COMPLETE**

Comes now the staff (Staff) of the Public Utility Commission of Texas (Commission), and files this response to Order No. 1. In support thereof, Staff would show the following:

I. Background

On October 18, 2016, Altoga Water Supply Corporation (Altoga) and North Collin Special Utility District (North Collin) (collectively, applicants) filed an application for sale, transfer, or merger of facilities and certificate of convenience and necessity (CCN) rights in Collin County, Texas. Specifically, North Collin seeks approval to acquire all of the water assets of Altoga held under water CCN No. 12580.

On October 21, 2016, the Administrative Law Judge issued Order No. 1, requiring Staff to file on or before November 18, 2016 comments/recommendation regarding administrative completeness of the application, whether additional notice may be required, and propose a schedule for processing. Therefore, this pleading is timely filed.

II. Administrative Completeness

Staff has reviewed the application and, as supported by the attached memorandum from Greg Charles and Kristy Nguyen in the Commission's Water Utilities Division, recommends that the application be found administratively complete and accepted for filing pursuant to 16 Tex. Admin. Code § 24.8 (TAC).

III. Notice

Staff has reviewed the proposed notice in the application and recommends that, consistent with the attached memorandum, the Applicants be directed to provide notice 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.

In addition, Staff recommends that Applicants be directed to provide notice to the following entities:

- a) City of McKinney (CCN No. 10194)
- b) City of Melissa (CCN No. 11482)
- c) City of Princeton (CCN No. 13195)
- d) Town of Lowry Crossing
- e) Town of New Hope
- f) Milligan WSC (CCN No. 10188)
- g) Verona WSC (CCN No. 10184)
- h) Windmill Estates Water (CCN No. 11645)
- i) Westminster SUD
- j) North Texas MWD
- k) North Texas GCD
- l) Honorable Judge Keith Self of Collin County

IV. Proposed Procedural Schedule

Staff proposes the following procedural schedule for continued processing of this docket:

Event	Deadline
Applicants file with the Commission signed affidavits that notice was provided, along with attached copies of the actual notices provided.	30 days from the date of the order directing the Applicants to provide notice.
Staff files comments on proof of notice.	14 days after the deadline for the Applicants to file proof of notice.
Intervention deadline.	30 days after mailing of notice.

V. Conclusion

For the reasons detailed above, Staff respectfully recommends that the application be deemed administratively complete. In addition, Staff recommends that the Applicants be directed to provide notice as described above and in the attached memorandum. Staff also recommends that the procedural schedule proposed above be adopted.

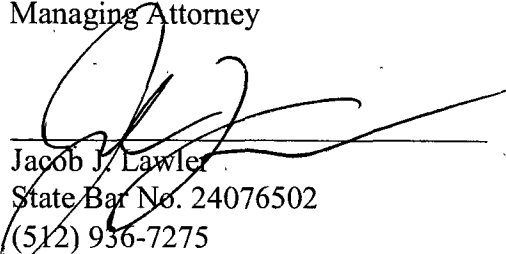
Date: November 17, 2016

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

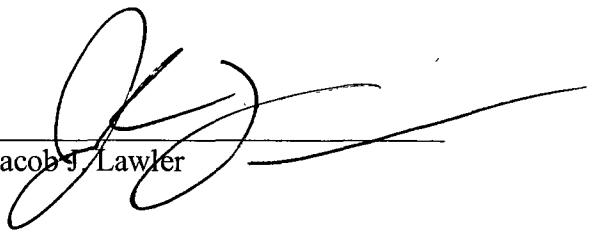
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(512) 936-7268 (facsimile)
Public Utility Commission of Texas
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326

**DOCKET NO. 46452
CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on November 17, 2016 in accordance with 16 TAC § 22.74.



Jacob J. Lawler

PUC Interoffice Memorandum

To: Jacob Lawler
Legal Division

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

From: Greg Charles, Staff Engineer
Kristy Nguyen, GIS Specialist
Water Utilities Division

Date: November 15, 2016

Subject: **Docket No. 46452**, *Application of Altoga Water Supply Corporation and North Collin Special Utility District, for sale, transfer, or merger (STM) of facilities and certificate rights in Collin County.*

On October 18, 2016, Altoga Water Supply Corporation (Altoga or Seller) and North Collin Special Utility District (North Collin or Purchaser), (collectively, Applicants), filed an application for the sale, transfer, or merger of facilities and certificate rights in Collin County. Specifically, North seeks approval to acquire all of the water assets and utility service area of Altoga and to cancel Altoga's Certificate of Convenience and Necessity (CCN) No. 12580 and amend North Collin's CCN No. 11035. The total area being requested is 4,160 acres. This application is being reviewed pursuant to Texas Water Code Ann., §§ 13.301 and 13.242 to 13.250 (TWC) and the 16 Tex. Admin Code §§ 24.109 and 24.112 (TAC).

A Staff review of the information filed by the applicant on October 18, 2016, found that it is sufficient in the required application and mapping information. Therefore, Staff recommends that the application be deemed sufficient for filing and found administratively complete. Staff further recommends the Applicants be ordered to do the following:

- 1) Provide notice 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) Provide correct notice to the following entities:
 - City of McKinney (CCN No. 10194)
 - City of Melissa (CCN No. 11482)
 - City of Princeton (CCN No. 13195)
 - Town of Lowry Crossing
 - Town of New Hope
 - Milligan WSC (CCN No. 10188)
 - Verona WSC (CCN No. 10184)
 - Windmill Estates Water (CCN No. 11645)

- Westminster SUD
- North Texas MWD
- North Texas GCD
- Honorable Judge Keith Self of Collin County

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

**ALTOGA WATER SUPPLY CORPORATION'S NOTICE OF INTENT TO SELL
WATER FACILITIES AND TO TRANSFER CCN NO. 12580 TO NORTH COLLIN
SPECIAL UTILITY DISTRICT IN COLLIN COUNTY, TEXAS**

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

(Address)

(City State Zip)

Altoga Water Supply Corporation 4365 FM 75, P.O. Box 547. Princeton, TX 75407
(Seller's or Transferor's Name) (Address) (City) (State) (Zip Code)

has filed an application with the Public Utility Commission of Texas (Commission) to sell water facilities and to transfer CCN No. 12580 in Collin County, Texas to:

North Collin Special Utility District P.O. Box 343, 2333 Sam Rayburn Hwy., Melissa, TX 75454-2930
(Purchaser's or Transferee's Name) (Address) (City) (State) (Zip Code)

The sale is scheduled to take place as approved by the Commission.

The area subject to this transaction is located approximately 4.3 miles east/northeast of downtown McKinney, Texas and is **generally** bounded on the north by CR 471; on the east by Sister Grove Creek; on the south by County Rd 408 and County Rd 461; and on the west by FM 2933.

The total area being requested includes approximately 4,160 acres and serves 338 current customers. This transaction will have the following effect on the current customers' rates and services: North Collin SUD's rates are lower than Altoga's current rates. Former Altoga WSC customers' rates will not increase and may be decreased.

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 STM; 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 file a request in writing with the:

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

Allen Knight, General Manager
Utility Representative

Altoga Water Supply Corporation
Utility Name

PUBLIC UTILITY COMMISSION



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

DOCKET NO. 46452

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 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 _____