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PUC DOCKET NO. 46494

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2016 NOV 28 AM 11:33  
PUBLIC UTILITY COMMISSION

APPLICATION OF WIEDENFELD §  
WATER WORKS, INC. AND SWWC §  
UTILITIES, INC. DBA WATER §  
SERVICES, INC. FOR APPROVAL OF §  
INTER-COMPANY TRANSFER OF §  
ASSETS §

PUBLIC UTILITY COMMISSION  
OF TEXAS

**COMMISSION STAFF'S RECOMMENDATION ON NOTICE AND SUFFICIENCY OF APPLICATION**

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

**I. BACKGROUND**

On October 28, 2016, Wiedenfeld Water Works, Inc. (WWW) and SWWC Utilities, Inc. dba Water Services, Inc. (SWWC) filed an application for sale, transfer, or merger of facilities and certificate of convenience and necessity rights in Kendall, Kerr, and Medina Counties. Specifically, the applicants seek approval to transfer assets of WWW to SWWC through an inter-company accounting entry. No change to the existing service area boundaries of either WWW or SWWC is requested. On November 2, 2016, Order No. 1 was issued, requiring that Staff 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 OF NOTICE AND APPLICATION**

Staff recommends that the application be deemed administratively complete, as set forth in the attached memorandum from Leila Guerrero and Gary Horton Jr. of the Water Utility Regulation Division. Staff further recommends the Applicant be required to provide additional notice to the entities listed in the memorandum, using the attached notice and providing proof of notice using the attached affidavit. Staff recommends the following procedural schedule:

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Event	Date
Deadline for Applicants to file proof of notice	January 6, 2017
Deadline for Staff to file a recommendation on sufficiency of notice	Within 10 days of the Applicants filing proof of completed notice with the Commission
Deadline to intervene	30 days after notice is issued

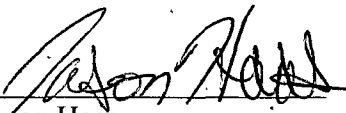
Dated: November 28, 2016

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**


Margaret Uhlig Pemberton  
Division Director

Karen S. 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 November 28, 2016 in accordance with 16 Tex. Admin. Code § 22.74.

  
 Jason Haas

## PUC Interoffice Memorandum

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**To:** Jason Haas, Attorney  
Legal Division

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

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

**Date:** November 16, 2016

**Subject:** **Docket 46494**, *Application of SWWC Utilities, Inc. dba Water Services, Inc. and Wiedenfled Water Works, Inc., for Sale, Transfer, or Merger of Facilities and Certificate Rights in Kendall, Kerr, and Medina Counties*

On October 31, 2016, Wiedenfled Water Works, Inc. ("Wiedenfled" or "Seller") and SWWC Utilities, Inc. dba Water Services, Inc. ("SWWC Utilities" or "Purchaser"), (Collectively, Applicants) filed with the Public Utility Commission of Texas ("Commission") an application for the sale, transfer, or merger of facilities and certificate rights in Kendall, Kerr, and Medina Counties, Texas. Specifically, SWWC Utilities seeks approval to acquire all of the water assets and utility service area of Wiedenfled, to cancel Wiedenfled's water Certificate of Convenience and Necessity (CCN) No. 12052, and amend CCN No. 11106 of SWWC Utilities. 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).

Staff has reviewed the required application and mapping information and recommends that the application be deemed administratively complete and sufficient for filing. Staff further recommends the Applicant be required 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 notice to the following entities:
  - Cow Creek GCD
  - Edwards Aquifer Authority
  - Guadalupe-Blanco River Authority
  - Headwater UWCD
  - Kerr County-Center Point WCID
  - Medina County GCD
  - Upper Guadalupe River Authority
  - Aqua Utilities Inc. (CCN Nos. 11157 and 12902)
  - Bandera County River Authority

City of Ingram  
City of Kerrville (CCN No. 12928)  
Fremont Water Co. (CCN No. 12821)  
Generis Water Works (CCN No. 12908)  
Harper Water Company Inc. (11421)  
Hill River Water Works (CCN No. 12939)  
Ingram Oaks Company Inc. (CCN No. 13134)  
Kendall County Judge  
Kendall County WCID 1 (CCN No. 10685)  
Kerr County-Center Point-WCID  
Kerr County Judge  
Kerr County Water Systems LLC (CCN No. 13166)  
Kerrville South Water Co., Inc. (CCN No. 11484)  
Mary Meade Water Company (CCN No. 11570)  
Medina County Judge  
Shalako Estates & Canyon Springs Water Systems (CCN No. 12685)  
Sherwood-Mt. Pisgah WSC (CCN No. 13050)  
Split Rock Water System Inc. (CCN NO. 12068)  
Verde Hills WSC (CCN No. 12093)  
Woods WSC (CCN No. 11879)  
Yancey WSC (CCN No. 11463)

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

WIEDENFELD WATER WORKS, INC., NOTICE OF INTENT TO CANCEL CCN NO. 12052, AND TO SELL ALL WATER FACILITIES AND TRANSFER WATER SERVICE CCN AREA TO SWWC UTILITIES, INC. DBA WATER SERVICES, INC., IN KENDALL, KERR, AND MEDINA COUNTIES, TEXAS

To: \_\_\_\_\_  
(Name of Customer, Neighboring System, or City)  
\_\_\_\_\_  
(Address)  
\_\_\_\_\_  
(City State Zip)

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

Wiedenfeld Water Works, Inc.      12535 Reed Road,      Sugar Land, TX      77478  
(Seller's or Transferor's Name)      (Address)      (City) (State)      (Zip Code)

has submitted an application with the Public Utility Commission of Texas (Commission) to cancel its CCN No. 12052 and to sell water facilities and transfer water CCN service area, in Kendall, Kerr, and Medina Counties, Texas to:

SWWC Utilities, Inc. dba Water Services, Inc.      12535 Reed Road,      Sugar Land, TX      77478  
(Purchaser's or Transferee's Name)      (Address)      (City) (State)      (Zip Code)

The sale is scheduled to take place as approved by the Commission. The transaction includes the following subdivisions: Cedar Springs Mobile Home Village, Center Point, Heritage Park, Hills and Dales, Montebello, Oak Ridge Estates, Platten Creek, Rocky Creek, Silver Creek, Southern Hills, Verde Park Estates, Vista Hills, Westwood Park, Windwood Oaks, and Woodhaven Mobile Home Park.

The areas subject to this transaction are:

**KENDALL COUNTY:**

PLATTEN CREEK WATER located approximately 6.4 miles north of Sisterdale and bounded on the west by FM 1376 and the back property lines along Platten Creek Road and Whitworth Drive. Total area is approximately 242.8 acres.

**KERR COUNTY:**

CEDAR SPRINGS MOBILE HOME VILLAGE located approximately 2 miles west of Ingram and generally bounded by Highway 39 on the south, Lakeshore Trail on the west, Ingram Lake RV Park Road on the north, and White Oak Street West on the east. Total area is approximately 22.2 acres.

CENTER POINT located approximately 0.5 miles north of downtown Center Point and generally bounded by the Guadalupe River on the south, Bowlin Drive East and Depot Alley on the west, Highway 27 on the north, and San Antonio Street on the east. Total area is approximately 93 acres.

HERITAGE PARK located approximately 2 miles east of Center Point and generally bounded by Burney Road North on the west and Total area is approximately 212 acres.

HILLS and DALES located approximately 5 miles north of Ingram and bounded on the south by Highway 39, on the west by Spring Lakes Parkway West, and Cypress Parkway West on the north. Total area is approximately 188 acres..

OAK RIDGE ESTATES located approximately 0.25 miles east of Center Point and bounded by Stoneleigh Road on the south. Total area is approximately 21.6 acres.

SOUTHERN HILLS located approximately 4 miles south of Kerrville and generally bounded by Highway 16 (Medina Highway) on the south, West Creek and Madrona Drive on the west, and Calcote Road and Nixon Lane on the north and east. Total area is approximately 1,349 acres.

VERDE PARK ESTATES located approximately 1 mile south of Center Point, and generally bounded on the west by Highway 480, on the north by Verde Creek Drive and Austin Lane East, and on the east by Elm Park Road. Total area is approximately 490 acres.

VISTA HILLS located approximately 1.5 miles northeast of Kerrville and bounded by Scenic Hills road on the west and south and generally bounded by Scenic Valley Road on the east. Total area is approximately 92.3 acres.

WESTWOOD located approximately 0.5 miles West of Comfort and generally bounded by Schadoer Road on the west, Sherwood road on the north, Marilyn Drive North on the east, and on the south by Highway 27. Total area is approximately 220 acres.

WINDWOOD OAKS SUBDIVISION located approximately south of Kerrville on Hwy 2771 and generally bounded by Turtle Creek on the west and south, and by Oak Wood Road East on the north. Total area is approximately 48 acres.

WOODHAVEN MOBILE HOME PARK located approximately 1 mile east of Ingram and generally bounded by Riverview Road on the west, Linn Drive South on the south, Nichols Cemetery LP on the south and east, and Highway 27 on the north. Total area is approximately 17.3 acres.

**MEDINA COUNTY:**

ROCKY CREEK SUBDIVISION located approximately 2.5 miles south of Medina Lake and generally bounded by County Road 265 on the north, County road 266 on the west, and county Road 271 on the east. Total area is approximately 310 acres.

The total area being requested serves 855 current water customers. This transaction will have the following effect on the current customers' rates and services: Current customer rates will remain the same, service quality will remain the same, and SWWC Utilities, Inc. service policies and fees will remain the same.

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 Español, puede llamar al 1-888-782-8477*

\_\_\_\_\_  
Utility Representative

\_\_\_\_\_  
Utility Name



# PUBLIC UTILITY COMMISSION



## AFFIDAVIT OF NOTICE TO CURRENT CUSTOMERS, NEIGHBORING UTILITIES AND AFFECTED PARTIES

Docket No. 46494

STATE OF TEXAS

COUNTY OF \_\_\_\_\_

\_\_\_\_\_ has provided individual  
notice to the following entities and customers:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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 forth 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 \_\_\_\_\_