

Control Number: 46501



Item Number: 5

Addendum StartPage: 0

DOCKET NO. 46501

RECEIVED

APPLICATION OF ORBIT SYSTEMS §
INC. TO AMEND A CERTIFICATE §
OF CONVENIENCE AND NECESSITY §
IN BRAZORIA COUNTY §

PUBLIC UTILITY COMMISSION

2016 DEC -1 AM 11:25
PUBLIC UTILITY COMMISSION
OF TEXAS FILING CLERK

**STAFF'S COMMENTS ON ADMINISTRATIVE COMPLETENESS
AND PROPOSED NOTICE**

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest and files this response to Order No. 1 and would show the following:

I. Background

On November 1, 2016, Orbit Systems, Inc. (Orbit) filed an application to amend its water certificate of convenience (CCN) No. 11982 in Brazoria County. On November 3, 2016, the Administrative Law Judge (ALJ) issued Order No. 1 requiring Staff to file comments on the application's administrative completeness and proposed notice by December 1, 2016. Therefore, this response is timely.

II. Administrative Completeness

Staff has reviewed Orbit's application and, as supported by the attached memorandum of Greg Charles and Gary Horton of the Water Utilities Division, recommends that it is administratively complete in accordance with Tex. Water Code Ann. § 13.246 (West 2016) and 16 Tex. Admin. Code § 24.106 (TAC).

5

III. Notice

The Commission's notice requirements for CCN applications are specified in 16 TAC § 24.106. Staff has reviewed Orbit's proposed notice and recommends that it meets the requirements of the rule. Additionally, Staff recommends the following:

- 1) The Applicant be ordered to provide correct notice of the application 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;
 - b) any city with an extraterritorial jurisdiction which overlaps the proposed service area;
 - c) landowners with more than 25 acres and any affected parties in the proposed CCN area;
 - d) notice to the public which must be published once each week for two (2) consecutive weeks in a newspaper of general circulation in Brazoria County.
- 2) The Applicant be ordered to include 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.
- 3) The Applicant be ordered to return within 30 days of the Commission order, a copy of the actual notice sent, the map that was sent with the individual notice, and the attached signed affidavit that the notice was given.
- 4) The applicant be required to provide written documentation from Brazoria County Groundwater Conservation District agreeing to allow the Applicant to provide retail service within the District's boundaries.
- 5) The Applicant be required to submit an Income Statement in the format as defined by the Application on page 20 of the application.

IV. Procedural Schedule

Staff proposes the following procedural schedule:

Event	Date
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	January 13, 2017
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

V. Conclusion

Because Orbit's Application and proposed notice is administratively complete, Staff recommends that the Application and notice be approved. Additionally, Staff recommends that Staff's proposed procedural schedule be adopted


Dated: December 1, 2016

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

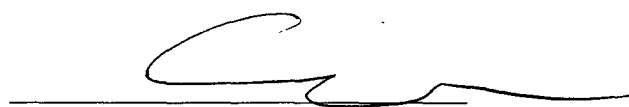
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**DOCKET NO. 46501
CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on December 1, 2016, in accordance with 16 TAC § 22.74.



Landon J. Lill

PUC Interoffice Memorandum

To: Landon Lill
Legal Division

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

From: Greg Charles, Staff Engineer
Gary Horton, GIS Specialist
Water Utilities Division

Date: November 17, 2016

Subject: **Docket 46501**, *Application of Orbit Systems Inc. to amend a Certificate of Convenience and Necessity (CCN) in Brazoria County*

On November 1, 2016, Orbit Systems filed with the Public Utility Commission of Texas (Commission) an application to amend its water Certificate of Convenience and Necessity (CCN) No. 11982 in Brazoria County, Texas pursuant to Texas Water Code Ann. (TWC), §§ 13.242 to 13.250 and the 16 Tex. Admin Code (TAC) §§ 24.101 to 24.107.

A Staff review of the information found that it is sufficient in the required application and mapping information.

Neighboring entities to be noticed:

- Angleton Drainage District
- Brazoria County Groundwater Conservation District
- Brazoria County Judge
- City of Freeport
- City of Richwood
- Port Freeport
- Velasco Drainage District
- West Brazoria County Drainage District

Notice to Neighboring Systems, Cities and Landowners

NOTICE OF APPLICATION TO AMEND THEIR CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) FOR THE PROVISION OF WATER SERVICE IN BRAZORIA COUNTY, TEXAS

To: _____
(Name of neighboring systems, cities and landowners)

Date Notice Mailed: _____, 2016

(Address)

(City State Zip)

Orbit Systems, Inc. has submitted an application with the Public Utility Commission of Texas to amend CCN No. 11982 to provide water service in Brazoria County.

The proposed utility area is located within approximately 5 miles southeast of downtown Angelton, Texas, and is generally bounded on the north by County Road 224; on the east by County Road 420; on the south by 0.4 miles south of County Road 224; and on the west by 0.9 miles east of FM 523.

The total area being requested includes approximately 70 acres and serves 0 current customers.

See enclosed map of the proposed service area.

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, 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 service area, you may request to be excluded from the proposed service 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 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
Central Records
1701 N. Congress, 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 UTILITIES, LANDOWNERS AND AFFECTED PARTIES

DOCKET NO. 46501

STATE OF TEXAS

COUNTY OF _____

_____ has provided individual notice to the following entities and landowners:

	DATE
_____	_____
_____	_____
_____	_____
_____	_____

OATH

I, _____, being duly sworn, file this form as _____ (indicate relationship to applicant, that is owner, member or 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 _____, 2016 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 _____

NOTICE FOR PUBLICATION

NOTICE OF APPLICATION TO AMEND THEIR CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) FOR THE PROVISION OF WATER SERVICE IN HARRIS COUNTY, TEXAS

Orbit Systems, Inc. has submitted an application with the Public Utility Commission of Texas to amend CCN No. 11982 to provide water service in Brazoria County.

The proposed utility area is located within approximately 5 miles southeast of downtown Angelton, Texas, and is generally bounded on the north by County Road 224; on the east by County Road 420; on the south by 0.4 miles south of County Road 224; and on the west by 0.9 miles east of FM 523.

The total area being requested includes approximately 70 acres and serves 0 current customers.

A copy of the map may be viewed at: 1302 Airline North, Rosharon, TX 77583, 281/369-2041.

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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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, 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 service area, you may request to be excluded from the proposed service 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 large scale map and a metes and bounds description of the tract of land.

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Public Utility Commission of Texas
Central Records
1701 N. Congress, 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



PUBLISHER'S AFFIDAVIT
DOCKET NO. 46501

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 _____