



Control Number: 46644



Item Number: 5

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PUBLIC UTILITY COMMISSION
OF TEXAS
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APPLICATION OF LANNIUS §
MUNICIPAL UTILITY DISTRICT §
A/K/A LANNIUS WATER SUPPLY §
CORPORATION AND BOIS D'ARC §
MUNICIPAL UTILITY DISTRICT §
FOR SALE, TRANSFER, OR §
MERGER OF FACILITIES AND §
CERTIFICATE RIGHTS IN FANNIN §
COUNTY §

PUBLIC UTILITY COMMISSION
OF TEXAS

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

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

I. BACKGROUND

On December 7, 2016, Lannius Municipal Utility District a/k/a Lannius Water Supply Corporation (Lannius) and Bois D' Arc Municipal Utility District (Bois D' Arc) (collectively, Applicants) filed an application for sale, transfer, or merger of facilities in Fannin County, Texas. The application proposes the sale of Lannius's water system under water certificate of convenience and necessity (CCN) No. 11163 to Bois D' Arc and the transfer of Lannius's certificated water service area under CCN No. 11163 to Bois D' Arc's water CCN No. 11753.

On December 8, 2016, Order No. 1 was issued establishing a deadline of January 6, 2017 for Staff to file comments regarding the administrative completeness of the application and the need for additional notice, if any, along with a proposed procedural schedule. This pleading is therefore timely filed.

II. ADMINISTRATIVE COMPLETENESS

Staff has reviewed the application and, as supported by the attached memorandum from Jonathan Ramirez and Kristy Nguyen in the Commission's Water Utilities Division (Attachment A), Staff recommends that the application be found administratively complete and accepted for filing under 16 Tex. Admin. Code §§ 24.101-107 (TAC).

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III. NOTICE

Staff further recommends that the Applicants be ordered to provide notice to any districts, utilities, and cities within two miles of the proposed area, the county judge of each county and each groundwater conservation district that is wholly or partly included in the proposed area to be certified, each city with an extraterritorial jurisdiction (ETJ) that is wholly or partly included in the proposed area to be certified, and any customers transferred, or other affected parties in the requested area. Staff also recommends that the Applicant be ordered to provide notice to the following: White Shed WSC (CCN 10170), Town of Windom (CCN 10173), City of Dodd City (CCN 13188), Red River Authority of Texas, Red River Groundwater Conservation District, and Judge Creta Carter of Fannin County. Proposed notice is attached as Attachment B.

In accordance with Attachment A, Staff recommends that within 30 days of the Commission order, the Applicants be required to file a copy of the actual individual notice sent with an attached signed and notarized affidavit that the notice was given.

IV. PROCEDURAL SCHEDULE

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

Event	Date
Deadline for Applicant to file proof of notice with the Commission	Tuesday, February 7, 2017
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

V. CONCLUSION

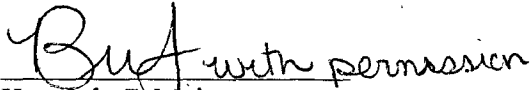
For the reasons detailed above, Staff respectfully recommends that the application be deemed administratively complete, and that Staff's proposed procedural schedule be adopted.

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF
TEXAS LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

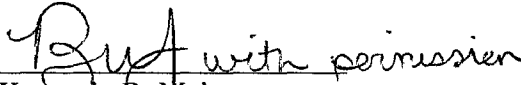
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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on this the 6th of January, 2017 in accordance with 16 TAC § 22.74.


Kennedy R. Meier

ATTACHMENT A

PUC Interoffice Memorandum

To: Kennedy Meier, Attorney
Legal Division

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

From: Jonathan Ramirez, Financial Analyst
Kristy Nguyen, GIS Specialist
Water Utilities Division

Date: January 3, 2017

Subject: **Docket No. 46644:** *Application of Lannius Municipal Utility District A/K/A Lannius Water Supply Corporation and Bois D' ARC Municipal Utility District for Facilities and Certificate Rights in Fannin County*

On December 7, 2016, Lannius MUD and Bois D' Arc MUD (collectively Applicants) filed an application for sale, transfer, or merger of facilities and Certificate of Convenience and Necessity (CCN) rights in Fannin County. Specifically, Bois D' Arc MUD, CCN No. 11753, seeks approval to acquire the water system and CCN service area of Lannius MUD and cancel CCN No. 11163. The area to be transferred includes 420 acres and 112 customers. The application is being reviewed under Texas Water Code (TWC) §§13.242-.250 and 16 Tex. Admin Code (TAC) §§ 24.101-.107.

A Staff review of the information filed by the Applicant 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 following:

- 1) The Applicant 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;
 - d) any customers transferred, or other affected parties in the requested area.

- 2) The Applicant provide notice to the following:
 - White Shed WSC (CCN 10170)
 - Town of Windom (CCN 10173)
 - City of Dodd City (CCN 13188)
 - Red River Authority of Texas
 - Red River Groundwater Conservation District
 - Judge Creta Carter of Fannin 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.

ATTACHMENT B

Notice to Current Customers, Neighboring Systems, and Cities

LANNIUS MUD'S NOTICE OF INTENT TO CANCEL CCN NO. 11163, AND TO SELL WATER FACILITIES AND TRANSFER WATER SERVICE CCN AREA TO BOIS D' ARC MUD, IN FANNIN COUNTY, TEXAS

To: _____ Date Notice Mailed: _____, 2017
(Neighboring System or City)

(Address)

(City State Zip)

Lannius MUD 1465 CR 2945 Dodd City, TX 75438
(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. 11163 and to sell water facilities and transfer water CCN service area in Fannin County, Texas to:

Bois D'Arc MUC. 14101 E FM 1396, Honey Grove, TX 75446
(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: entire service area.

The area subject to this transaction is located approximately 1.3 miles east/northeast of downtown Dodd City, Texas and is generally bounded on the north by 1.10 miles south of Bois D'Arc Creek, on the east by .4 mile west of County Road 2965; on the south by 1 mile south of US Highway 82; and on the west by .2 mile west of County Road 2910.

The total area being requested includes approximately 420 acres and serves 112 current customers. This transaction will have the following effect on the current customer's rates and services: All of the customers of Lannius MUD are to be charged the same rates as the customers of Bois D' Arc MUD.

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.

Si desea informacion en Espanol, puede llamar al 1-512-936-7221.

Mark Newhouse
Utility Representative

Bois D' Arc MUD
Utility Name

ATTACHMENT C

PUBLIC UTILITY COMMISSION



AFFIDAVIT OF NOTICE TO CURRENT CUSTOMERS, NEIGHBORING UTILITIES AND
AFFECTED PARTIES
DOCKET NO. 46644

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 for
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 _____