



Control Number: 46719



Item Number: 5

Addendum StartPage: 0

DOCKET NO. 46719

**APPLICATION OF CITY OF §
HASLET TO AMEND A WATER §
CERTIFICATE OF CONVENIENCE §
AND NECESSITY AND DECERTIFY §
A PORTION OF CITY OF FORT §
WORTH'S SERVICE AREA IN §
TARRANT COUNTY §**

PUBLIC UTILITY COMMISSION

OF TEXAS

**2017 JAN 27 PM 2:06
PUBLIC UTILITY COMMISSION
FILING CLERK**

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

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

I. BACKGROUND

On January 3, 2017, the City of Haslet (City) filed an application to amend its water Certificate of Convenience and Necessity (CCN) No. 12856 to provide water utility service in Tarrant County and to decertify a portion of the City of Fort Worth's service area in Tarrant County. On January 5, 2016, the administrative law judge (ALJ) issued Order No. 1, requiring Staff to file comments on the sufficiency of the application and whether additional notice is necessary pursuant to 16 Tex. Admin. Code § 22.52(b) (TAC). The ALJ also ordered the parties to file a joint proposed procedural schedule.

II. RECOMMENDATION REGARDING ADMINISTRATIVE COMPLETENESS

Staff has reviewed the application and, as supported by the memorandum of Jolie Mathis and Gary Horton Jr. of the Commission's Water Utilities Division, recommends that the City's application be found sufficient and administratively complete.

Staff notes that 16 TAC § 24.105(a)(14)(A) requires an applicant to provide an approval letter from the Texas Commission on Environmental Quality (TCEQ) for a public drinking water system or facilities as part of its application. The rule states that "for an application for a new water CCN or a CCN amendment that will require the construction of a new public drinking water system or facilities to provide retail water utility service, [the applicant must provide] a copy of . . . the approval letter for the plans and specifications issued by the TCEQ for the public drinking water

system or facilities.” In this case, however, the applicant will not be constructing a new public drinking water system or facility to provide retail water utility service. The applicant has indicated to Staff that there are currently no development plans for the tract at issue and no engineering plans have been drawn up. Therefore, because the application is only for a realignment of boundaries, Staff has determined that TCEQ approval of plans is not required.

III. NOTICE

Notice requirements for CCN applications are governed by Tex. Water Code Ann. § 13.246 and 16 TAC § 24.106. Staff has reviewed the City’s proposed notice and recommends that it meets the requirements of the rules. Therefore, Staff recommends that the City file its notice in accordance with the recommendations contained in the attached memorandum of Jolie Mathis and Gary Horton Jr.

IV. PROPOSED PROCEDURAL SCHEDULE

Staff recommends the following proposed procedural schedule.

Event	Date
Deadline for the City 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	March 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

Staff recommends that the Application and proposed notice be approved. Additionally, Staff recommends that the proposed procedural schedule be adopted.

Date: January 27, 2017

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Respectfully Submitted,

Margaret Uhlig Pemberton
Division Director

Katherine Lengieza Gross
Managing Attorney



Vera Dygert
State Bar No. 24094634
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7230
(512) 936-7268 (facsimile)

DOCKET NO. 46719

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on January 27, 2017, in accordance with 16 TAC § 22.74.



Vera Dygert

PUC Interoffice Memorandum

To: Vera Dygert, Attorney
Legal Division

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

From: Jolie Mathis, Engineering Specialist
Gary Horton Jr., GIS Specialist
Water Utilities Division

SUBJECT: *Docket No. 46719, Application of the City of Haslet to Amend its Certificate and Convenience and Necessity and Decertify a Portion of City of Fort Worth's Service Area Certificate of Convenience and Necessity in Tarrant County*

DATE: January 27, 2017

On January 3, 2017, the City of Haslet filed an application to amend its water certificate of convenience and necessity (CCN) No. 12856 and to decertify a portion of the City of Fort Worth's service area in Tarrant County. Haslet seeks to add approximately 168 acres of service area with zero current customers.

Order No. 1 required comments on administrative completeness and notice on or before January 27, 2017. Staff has reviewed the information in the application and recommends that the application be deemed administratively complete and sufficient for filing. Staff further recommends the Applicant do the following:

- 1) 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) landowners who own a tract of land that is at least 25 acres and is wholly or partly located in the proposed area to be certified. The landowner information may be obtained from the county appraisal district tax rolls for the county or counties in which the proposed CCN is located; and
 - e) publish notice once each week for two (2) consecutive weeks in a newspaper of general circulation in Tarrant County.
- 2) Provide notice to the following entities:
 - Aqua Texas Inc. (CCN No. 13201)
 - City of Fort Worth (CCN No. 12311)
 - Denton County FWSD 2-A
 - Denton County FWSD 2-C

K G J Joint Venture (CCN No. 12075)
North Texas GCD
Northern Trinity GCD
Tarrant County Judge
Tarrant Regional Water District
Trinity River Authority of Texas
Upper Trinity Regional Water District

- 3) Include copy of a map showing the proposed service area with the individual notices to neighboring utilities and other affected parties. It is the Applicant's burden to provide an accurate map delineating the proposed area with each individual notice. Information related to districts including addresses can be obtained from the TCEQ's web site located at <http://www14.tceq.texas.gov/iwud/>.

Within 30 days of the Commission order, the Applicant should file a copy of the actual notice and map issued, along with signed affidavits indicating that the notice was given. It is recommended that the Applicant use the attached notices and affidavits to meet these requirements.

Notice for Publication

NOTICE OF APPLICATION TO AMEND A CERTIFICATE OF CONVENIENCE
AND NECESSITY (CCN) TO PROVIDE WATER UTILITY SERVICE IN
TARRANT COUNTY, TEXAS

The City of Haslet has filed an application with the Public Utility Commission of Texas to amend its Certificate of Convenience and Necessity for water CCN No. 12856 and to decertify a portion of City of Forth Worth for the provision of Water and Sewer utility service in Tarrant County.

The proposed utility service area is located approximately 1 mile west of downtown Haslet, Texas, and is generally bounded on the north by Avondale Haslet Road; on the east by a line ½ mile west of Burlington Northern Sante Fe Railroad; on the south by a line 1 mile south of Avondale Haslet Road; and on the west by a line ¾ mile west of Burlington Northern Sante Fe Railroad.

The total proposed area for the CCNs being requested includes approximately 168 acres and 0 current customers.

A copy of the proposed map is available at: 101 Main Street, Haslet, TX 76052 (817) 439-5931

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 area, you may request to be excluded from the proposed 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

Notice to Neighboring Systems, Landowners and Cities

**NOTICE OF APPLICATION TO AMEND A CERTIFICATE OF CONVENIENCE
AND NECESSITY (CCN) TO PROVIDE WATER AND SEWER UTILITY SERVICE
IN TARRANT COUNTY, TEXAS**

To: _____
(Neighboring System, Landowner, or City)

Date Notice Mailed: _____, 2016

(Address)

(City State Zip)

The City of Haslet has filed an application with the Public Utility Commission of Texas to amend its Certificate of Convenience and Necessity for water CCN No. 12856 and to decertify a portion of City of Forth Worth for the provision of Water and Sewer utility service in Tarrant County.

The proposed utility service area is located approximately 1 mile west of downtown Haslet, Texas, and is generally bounded on the north by Avondale Haslet Road; on the east by a line ½ mile west of Burlington Northern Sante Fe Railroad; on the south by a line 1 mile south of Avondale Haslet Road; and on the west by a line ¾ mile west of Burlington Northern Sante Fe Railroad.

See enclosed map of the proposed area.

The total proposed area for the CCNs being requested includes approximately 168 acres and 0 current customers.

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.

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 area, you may request to be excluded from the proposed 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 NOTICE NEIGHBORING SYSTEMS AND CITIES

DOCKET NO. 46719

STATE OF TEXAS

COUNTY OF Tarrant

Before me, the undersigned authority, on this day personally appeared

[Signature], who being by me

duly sworn, deposes and that (s)he is the [Signature]
(TITLE)

of the [Signature]
(NAME OF UTILITY)

that the attached notice was provided to customers and other affected parties by

[Signature]
(METHOD USED TO PROVIDE NOTICE)

on or about the following date, to wit: [Signature]
(DATE)

[Signature]
(SIGNATURE OF UTILITY OFFICIAL)

Subscribed and sworn to before me this [Signature] day of [Signature], 20[Signature],
to certify which witness my hand and seal of office.

[Signature]
Notary Public in and for the State of Texas

[Signature]
Print or Type Name of Notary Public

Commission Expires [Signature]

PUBLIC UTILITY COMMISSION



PUBLISHER'S AFFIDAVIT
DOCKET NO. 46719

STATE OF TEXAS

COUNTY OF Tarrant

Before me, the undersigned authority, on this day personally appeared

[Signature], who being by me

duly sworn, deposes and that (s)he is the

[Signature]
(TITLE)

of the

[Signature]
(NAME OF NEWSPAPER)

that said newspaper is regularly published in:

[Signature]
(COUNTY/COUNTIES)

and generally circulated in

[Signature], Texas: and
(COUNTY/COUNTIES)

that the attached notice was published in said newspaper on the following date(s), to wit:

[Signature]
(DATES)

[Signature]
(SIGNATURE OF NEWSPAPER REPRESENTATIVE)

Subscribed and sworn to before me this [Signature] day of [Signature], 20[Signature],
to certify which witness my hand and seal of office.

[Signature]
Notary Public in and for the State of Texas

[Signature]
Print or Type Name of Notary Public

Commission Expires [Signature]

The seal of the Public Utility Commission of Texas is a circular emblem. It features a five-pointed star in the center, surrounded by a wreath. The words "PUBLIC UTILITY COMMISSION" are inscribed around the top inner edge, and "OF TEXAS" is at the bottom. The entire seal is enclosed within a double-lined circular border.

DOCKET NO. 46719

COUNTY OF Tarrant

1. The first part of the document is a list of the names of the members of the committee, which is headed by the Chairman, Mr. J. H. ...
 2. The second part of the document is a list of the names of the members of the committee, which is headed by the Chairman, Mr. J. H. ...
 3. The third part of the document is a list of the names of the members of the committee, which is headed by the Chairman, Mr. J. H. ...
 4. The fourth part of the document is a list of the names of the members of the committee, which is headed by the Chairman, Mr. J. H. ...
 5. The fifth part of the document is a list of the names of the members of the committee, which is headed by the Chairman, Mr. J. H. ...

I, _____, being duly sworn, file this form as:

Applicant's Authorized Representative

Subscribed and sworn to before me this 12 day of June, 2011, to
certify which witness my hand and seal of office.

Print or Type Name of Notary Public
Commission Expires