



Control Number: 46748



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RECEIVED

APPLICATION OF JJM §
DEVELOPMENT, INC. AND R.P. LAND & §
CATTLE, LLC FOR SALE, TRANSFER, §
OR MERGER OF FACILITIES AND §
CERTIFICATE RIGHTS IN EL PASO §
COUNTY §

PUBLIC UTILITY COMMISSION

FEB 13 PM 1:53
PUBLIC UTILITY COMMISSION
OF TEXAS
FILING CLERK

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

Comes now the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files its Recommendation on Administrative Completeness in response to Order No. 1. In support thereof, Staff would show the following:

I. Background

On July 11, 2016, JJM Development, Inc. and R.P. Land & Cattle, LLC (Applicants) filed an application for the sale, transfer, or merger of facilities and certificate rights in El Paso County. Specifically, R.P. Land and Cattle seeks approval to acquire all of JJM Development, Inc.'s facilities and service area held under water certificate of convenience and necessity (CCN) No. 12575. The total area being requested to be transferred includes approximately 6 acres and serves 54 current customers.

In Order No. 1, issued January 19, 2017, the Administrative Law Judge (ALJ) ordered Staff to file comments regarding the administrative completeness of the application and a proposed procedural schedule by February 13, 2017. Therefore, this pleading is timely filed.

II. Staff's Recommendation

Staff has reviewed the application, and as detailed by the attached memorandum of Ricky Herrera and Gary Horton Jr. of the Water Utilities Division, Staff recommends that the application be deemed administratively complete and sufficient for filing.

Staff has included as an attachment to this filing proposed notice for the Applicant to provide that meets the requirements of 16 Tex. Admin. Code § 24.112 (TAC). Staff recommends that the Applicant be directed to provide this notice to: (i) any districts, utilities, and cities within two miles of the proposed service area; (ii) the county judge of each county and each groundwater

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conservation district that is wholly or partly included in the proposed service area; (iii) each city with an extraterritorial jurisdiction (ETJ) that is wholly or partly included in the proposed service area; and (iv) any customers to be transferred, or other affected parties in the service area. The attached memorandum includes a list of additional neighboring entities to whom the Applicant should give notice. The Applicant should include a copy of a map showing the proposed service area with the individual notices.

Staff recommends the Applicant file a copy of the actual notice and map sent, along with signed affidavits indicating that the notice was given. Staff further recommends that Applicant be ordered to provide historical financial information for R.P. Land & Cattle, LLC.

III. Proposed 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	March 21, 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

IV. Conclusion

Staff respectfully requests the ALJ issue an order deeming the application administratively complete, requiring Applicant to provide notice and financial information in accordance with Staff's recommendation, and adopting the above proposed procedural schedule.


Dated: February 13, 2017

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on February 13, 2017, in accordance with 16 TAC § 22.74.



Michael Crnich

PUC Interoffice Memorandum

To: Michael Crnich
Legal Division

Thru: Tammy Benter, Director
Lisa Fuentes, Work Lead
Water Utilities Division

From: Ricky Herrera, Staff Engineer
Gary Horton Jr. GIS Specialist
Water Utilities Division

Date: January 23, 2017

Subject: **Docket 46748**, *Application of JJM Development, Inc. and R.P. Land & Cattle, LLC for Sale, Transfer of Merger of Facilities and Certificate Rights in El Paso, County.*

On January 11, 2016, JJM Development, Inc. (JJM or Seller) and R.P. Land & Cattle, LLC (R.P. or Buyer) (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 El Paso County, Texas. Specifically, R.P. seeks approval to acquire all of JJM's facilities and service area held under water Certificate of Convenience and Necessity (CCN) No. 12575. The application is being reviewed for administrative completeness pursuant to Texas Water Code Ann., §§ 13.242 to 13.250 (TWC) and the 16 Tex. Admin Code §§ 24.101 to 24.107 (TAC).

Staff has reviewed the application and mapping information filed by the Applicants and found it sufficient. Therefore, Staff recommends that the application be deemed sufficient for filing and administratively complete. Staff further recommends the following:

- 1) the Applicants be ordered to 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; and
 - d) any customers transferred, or other affected parties in the requested area.

- 2) The Applicant should provide correct notice of the application to the following entities:
 - City of Vinton
 - East Montana Water System (CCN No. 12127)
 - El Paso County Judge
 - El Paso East Lake Inc. (CCN No. 12943)
 - El Paso Water Utilities Public Service Board (CCN No. 10211)
 - Green Acres MHP Riverview Estates (CCN No. 11785)
 - Hillside Water Works (CCN No. 12961)

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.

Financial

The Applicant must provide historical financial information for R.P. Land & Cattle, LLC. If there is no historical financial information, the Applicant must provide the historical financial information for the personal owners of R.P. Land & Cattle, LLC. The personal finances may be filed confidentially.

Notice to Current Customers, Neighboring Systems, and Cities

R.P. LAND & CATTLE, LLC, NOTICE OF INTENT TO PURCHASE WATER FACILITIES AND TO TRANSFER WATER SERVICE AREA UNDER CCN NO. 12575, FROM JJM DEVELOPMENT, INC., IN EL PASO COUNTY, TEXAS

To: _____ Date Notice Mailed: _____, 201__
(Name of Customer, Neighboring System, or City)

(Address)

(City State Zip)

R.P. Land & Cattle, LLC
521 Irondale Dr.
El Paso, TX 79912

has submitted an application with the Public Utility Commission of Texas (Commission) to purchase all water facilities and to transfer water service area under CCN No. 12575, in El Paso County, TX from:

JJM Development, Inc. (Valley Acres MHP Water System)
797 Barely Dr. Unit R
El Paso, TX 79835

The sale is scheduled to take place as approved by the Commission (V.T.C.A., Water Code § 13.301). The transaction and the transfer of the CCN includes the following subdivision: Valley Acres MHP

The area subject to this transaction is located approximately 2 miles northwest of downtown Canutillo, Texas, and is generally bounded on the north by Canutillo Lateral Canal; on the east by Newmexas Drain Canal; on the south by Fescue Drive; and on the west by Westside Road.

The total proposed area for the water CCN being requested includes approximately six (6) acres and 54 current customers.

This transaction will have the following effect on the current customers' rates and services: No effect to the current customers' rates at this time.

You may request a public hearing. A request for a public hearing must be in writing and include: (1) your name, mailing address, and daytime telephone number; (2) the applicant's name, docket 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 which would satisfy your concerns and cause you to withdraw your request for a hearing.

Hearing requests, comments or requests to intervene should be filed with the:

Public Utility Commission of Texas
Central Records
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 will receive notice if a hearing is scheduled.

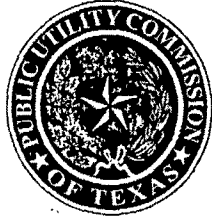
If a valid public hearing is requested, the Commission will forward the application to the State Office of Administrative Hearings (SOAH) for a hearing. If no settlement is reached and an evidentiary hearing is held, SOAH will submit a recommendation to the Commission for final decision. An evidentiary hearing is a legal proceeding similar to a civil trial in state district court.

Si desea informacion en Espanol, 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. 46748

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 _____