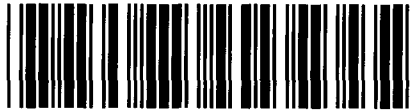




Control Number: 46808



Item Number: 11

Addendum StartPage: 0

APPLICATION OF THE CITY OF §
FORT WORTH TO AMEND A §
WATER CERTIFICATE OF §
CONVENIENCE AND NECESSITY §
AND TO DECERTIFY A PORTION §
OF JOHNSON COUNTY SPECIAL §
UTILITY DISTRICT'S §
CERTIFICATE OF CONVENIENCE §
AND NECESSITY IN TARRANT §
COUNTY §

PUBLIC UTILITY COMMISSION

RECEIVED
2017 MAY 27
PUBLIC UTILITY COMMISSION
FILING CLERK

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

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this Second Supplemental Recommendation on Administrative Completeness in response to Order No. 3 and would show the following:

I. BACKGROUND

On January 27, 2017, the City of Fort Worth filed an application to amend its water Certificate of Convenience and Necessity (CCN) No. 12311 in Tarrant County, Texas and decertify a portion of Johnson County Special Utility District's (Johnson County SUD) water CCN No. 10081. Specifically, Fort Worth seeks to add an area of approximately 84 acres that contains no current customers to its CCN. Fort Worth supplemented its application on April 25 and May 18, 2017.

On April 27, 2017, Order No. 3 was issued, establishing a deadline of May 26, 2017 for Staff to file a recommendation on administrative completeness. This pleading is therefore timely filed.

II. ADMINISTRATIVE COMPLETENESS

~~As detailed in the attached memorandum from Jolie Mathis in the Commission's Water~~
Utility Regulation Division, Staff has reviewed the application as supplemented and recommends that it be found administratively complete and accepted for filing. Staff further recommends that Fort Worth be directed to publish notice of the application once each week for two consecutive

weeks in a newspaper of general circulation in Tarrant County and provide notice of the application to the following:

- a) any districts, utilities, and cities within two miles of the requested area;
- b) the county judge of each county and each groundwater conservation district that is wholly or partly included in the requested area to be certified;
- c) each city with an extraterritorial jurisdiction (ETJ) that is wholly or partly included in the requested area to be certified;
- d) Aqua Texas Inc;
- e) the City of Burleson;
- f) the City of Crowley;
- g) Johnson County SUD;
- h) the Northern Trinity Groundwater Conservation District;
- i) the Tarrant Regional Water District;
- j) the Trinity River Authority of Texas; and
- k) the Tarrant County Judge.

Staff further recommends that Fort Worth be directed to include a map showing the requested area with the individual notices to neighboring utilities and other affected parties. Staff also recommends that Fort Worth be directed to use the attached notice forms to provide notice and to provide proof of notice by filing a copy of the actual notice and map provided along with executed copies of the attached affidavits attesting to the provision of notice.

III. PROCEDURAL SCHEDULE

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

Event	Date
Deadline for Fort Worth 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	July 12, 2017
Deadline for Staff to file a recommendation on sufficiency of notice	Within 10 days of Fort Worth filing proof of completed notice with the Commission

Deadline to intervene	30 days after notice is issued
-----------------------	--------------------------------

IV. CONCLUSION

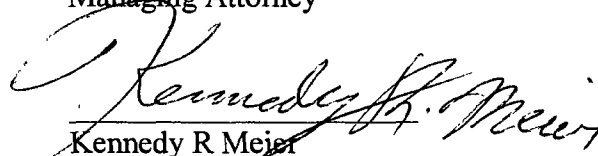
For the reasons stated above, Staff recommends that the application be found administratively complete and that Fort Worth be directed to provide notice as described above and detailed in the attached memorandum.

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF
TEXAS LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Katherine Lengieza Gross
Managing Attorney

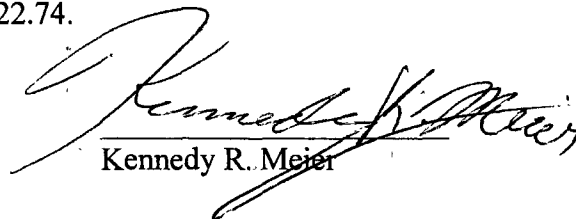


Kennedy R Meier
State Bar No. 24092819
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7265
(512) 936-7268 (facsimile)
kennedy.meier@puc.texas.gov

DOCKET NO. 46808

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on this the 26th
of May, 2017 in accordance with 16 TAC § 22.74.



Kennedy R. Meier

PUC Interoffice Memorandum

To: Kennedy Meier
Legal Division

Thru: Lisa Fuentes, Manager
Water Utilities Division

From: Jolie Mathis, Staff Engineer
Water Utilities Division

Date: May 24, 2017

Subject: **Docket 46808**, *Application of the City of Fort Worth to Amend a Water Certificate of Convenience and Necessity and to Decertify a Portion of Johnson County Special Utility District's Certificate of Convenience and Necessity in Tarrant County*

On January 27, 2017, the City of Fort Worth (Applicant) filed with the Public Utility Commission of Texas (Commission) an application to amend its water Certificate of Convenience and Necessity (CCN) No. 12311 and to decertify a portion of Johnson County Special Utility District (SUD)'s water CCN No. 10081 in Tarrant County, Texas pursuant to Texas Water Code Ann. (TWC), §§ 13.242 to 13.250 and 13.254 and 16 Tex. Admin Code (TAC) §§ 24.101 to 24.107 and 24.113.

A Staff review finds the additional maps and digital mapping data filed by the Applicant on April 25, 2017 and May 18, 2017, are sufficient in the required mapping information. Therefore, Staff recommends that the application be deemed sufficient for filing and found administratively complete. Staff further recommends the Applicant be ordered to do the following:

- 1) Provide notice of the application to the following:
 - a) any districts, utilities, and cities within two (2) miles of the requested area;
 - b) the county judge of each county and each groundwater conservation district that is wholly or partly included in the requested area to be certified;
 - c) each city with an extraterritorial jurisdiction (ETJ) that is wholly or partly included in the requested area to be certified; and
 - d) publish notice once each week for two (2) consecutive weeks in a newspaper of general circulation in Tarrant County.
- 2) Provide correct notice of the application to the following entities:
 - Aqua Texas Inc (CCN No. 13201)
 - City of Burleson (CCN No. 10906)
 - City of Crowley (CCN No. 10984)
 - Johnson County SUD (CCN No. 10081)
 - Northern Trinity Groundwater Conservation District
 - Tarrant Regional Water District
 - Trinity River Authority of Texas
 - Tarrant County Judge

- 3) Include copy of a map showing the requested 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 requested 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/>.

By July 12, 2017, 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 WATER CERTIFICATES OF
CONVENIENCE AND NECESSITY (CCN) IN TARRANT COUNTY, TEXAS**

The City of Fort Worth has filed an application with the Public Utility Commission of Texas to amend its Certificate of Convenience and Necessity for CCN No. 12311 and to decertify a portion of Johnson County Special Utility District's (SUD) CCN No. 10081 for the provision of retail water utility service in Tarrant County.

The requested area is located approximately 1.7 miles west of downtown City of Crowley, Texas, and is generally bounded on the north by West Cleburne Crowley Road; on the east by Eagle Drive; on the south by Longhorn Trail; and on the west by approximately .5 mile west of Eagle Drive.

The total requested area includes approximately 84 acres and 0 current customers.

A copy of the map showing the requested area is available at: 1000 Throckmorton Street, Fort Worth, Texas 76102

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 Utility 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 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 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 a 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 1-512-936-7221

Notice to Neighboring Systems and Cities

**NOTICE OF APPLICATION TO AMEND WATER CERTIFICATES OF
CONVENIENCE AND NECESSITY IN TARRANT COUNTY, TEXAS**

To: _____
(Neighboring System, or City)

(Address)

(City State Zip)

Date Notice Mailed: _____, 2017

The City of Fort Worth has filed an application with the Public Utility Commission of Texas to amend its Certificate of Convenience and Necessity for CCN No. 12311 and to decertify a portion of Johnson County Special Utility District's (SUD) CCN No. 10081 for the provision of retail water utility service in Tarrant County.

The requested area is located approximately 1.7 miles west of downtown City of Crowley, Texas, and is generally bounded on the north by West Cleburne Crowley Road; on the east by Eagle Drive; on the south by Lonhorm Trail; and on the west by approximately .5 mile west of Eagle Drive.

The total requested area includes approximately 84 acres and 0 current customers.

See enclosed map showing the requested area.

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 Utility'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 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 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 1-512-936-7221.

PUBLIC UTILITY COMMISSION



AFFIDAVIT OF NOTICE TO NEIGHBORING UTILITIES AND CITIES DOCKET NO.46808

STATE OF TEXAS

COUNTY OF _____

_____ has provided individual notice
to the following entities:

DATE OF NOTICE

_____	_____
_____	_____
_____	_____
_____	_____

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 _____

PUBLIC UTILITY COMMISSION



PUBLISHER'S AFFIDAVIT
DOCKET NO. 46808

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 _____