



Control Number: 46808



Item Number: 17

Addendum StartPage: 0

**DOCKET NO. 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**

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**PUBLIC UTILITY COMMISSION  
OF TEXAS**

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**COMMISSION STAFF'S RECOMMENDATION ON SUFFICIENCY OF NOTICE**

**COMES NOW** the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this Recommendation on Sufficiency of Notice in response to Order No. 4 and would show the following:

**I. BACKGROUND**

On January 27, 2017, the City of Fort Worth (Fort Worth or Applicant) 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 May 30, 2017, Order No. 4 was issued, establishing a deadline of ten days from the filing of proof of notice documentation for Staff to file a recommendation on the sufficiency of Fort Worth's notice. Fort Worth filed proof of notice documentation on July 28, 2017. Ten days from July 28 is August 7, 2017. This pleading is therefore timely filed.

**II. SUFFICIENCY OF NOTICE**

As detailed in the attached memorandum from Jolie Mathis in the Commission's Water Utility Regulation Division, Staff has reviewed the proof of notice documentation filed by Fort Worth and recommends that Fort Worth's notice be deemed sufficient.

### **III. PROCEDURAL SCHEDULE**

Staff recommends the notice be found sufficient. Staff therefore proposes the following procedural schedule:

| <b>Event</b>   | <b>Date</b>                |
|--|----------------------------|
| Notice completed   | June 22, 2017              |
| Deadline for intervention  | July 24, 2017 <sup>1</sup> |
| Deadline for Staff to provide final maps, certificates, and tariffs (if applicable), to Applicant for review and consent | September 22, 2017         |
| Deadline for Applicant to file signed consent forms with the Commission  | October 6, 2017            |
| If no hearing is requested, deadline for Staff to file a final recommendation on the Application                         | October 13, 2017           |
| If no hearing is requested, deadline for parties to file joint proposed findings of fact and conclusions of law          | October 20, 2017           |

### **IV. CONCLUSION**

For the reasons stated above, Staff recommends that the notice be found sufficient and that the procedural schedule proposed above be adopted for further processing of this docket.

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<sup>1</sup> Under 16 TAC § 24.106(a)(3), the intervention deadline is 30 days after the mailing or publication of notice, whichever occurs later. Notice was mailed on June 12, 2017, and published on June 15 and 22, 2017. Therefore, 30 days after June 22 is July 22, 2017, which is a Saturday. Therefore, under 16 TAC § 22.4(a), the intervention deadline is Monday, July 24, 2017.

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF  
TEXAS LEGAL DIVISION**

Margaret Uhlig Pemberton  
Division Director

Katherine Lengieza Gross  
Managing Attorney

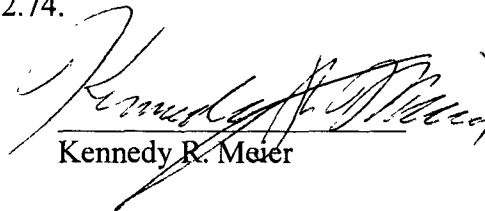


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**DOCKET NO. 46808**

**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on this the 7<sup>th</sup> of August, 2017 in accordance with 16 TAC § 22.74.



Kennedy R. Meier

## PUC Interoffice Memorandum

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**To:** Kennedy Meier  
Legal Division

**Thru:** Lisa Fuentes, Manager  
Water Utility Regulation Division

**From:** Jolie Mathis, Staff Engineer  
Water Utility Regulation Division

**Date:** August 3, 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.

In response to Order No. 4, the Applicant provided notice to neighboring systems and cities in Tarrant County. An affidavit of notice was filed with the Commission on July 28, 2017. The notice comment period ended on July 24, 2017. Staff has reviewed the notice documents and recommends they be deemed sufficient.