



Control Number: 46809



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DOCKET NO. 46809

APPLICATION OF CASH SPECIAL
UTILITY DISTRICT TO AMEND A
CERTIFICATE OF CONVENIENCE
AND NECESSITY IN HOPKINS
COUNTY

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PUBLIC UTILITY COMMISSION
OF TEXAS

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PUBLIC UTILITY COMMISSION
FILING CLERK

**STAFF'S RECOMMENDATION ON ADMINISTRATIVE COMPLETENESS AND
PROPOSED NOTICE**

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

I. Background

On January 27, 2017, Cash Special Utility District (Cash) filed an application to amend its water certificate of convenience (CCN) No. 10824 in Hopkins County. The total new service area being requested includes approximately 8 acres and 0 current customers. On January 31, 2017, the Administrative Law Judge (ALJ) issued Order No. 1 requiring Staff to file comments on the application's administrative completeness and proposed notice by February 27, 2017. Staff was also ordered to propose a procedural schedule. Therefore, this pleading is timely filed.

II. Administrative Completeness

Staff has reviewed Cash's application and, as supported by the attached memorandum of Jonathan Ramirez of the Water Utility Regulation Division, recommends that it is administratively complete in accordance with Tex. Water Code Ann. § 13.246 (West 2016) and 16 Tex. Admin. Code § 24.105 (TAC).

III. Notice

The Commission's notice requirements for CCN applications are specified in 16 TAC § 24.106. Staff has reviewed Cash's proposed notice and recommends that it meets the

requirements of the rule. Additionally, Staff recommends Cash file its notice in accordance with the recommendations contained in the attached memorandum of Jonathan Ramirez.

IV. Procedural Schedule

Staff proposes the following procedural schedule:

Event	Date
Deadline for Applicant 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	April 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 issued

V. Conclusion

Staff recommends that the Cash's application be deemed administratively complete. Additionally, Staff recommends that Staff's proposed procedural schedule be adopted.

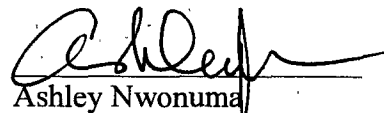
DATED: February 27, 2017

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF
TEXAS LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Karen S. Hubbard
Managing Attorney

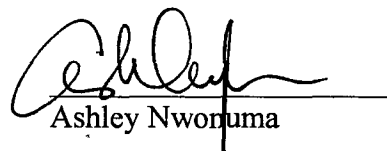


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DOCKET NO. 46809

CERTIFICATE OF SERVICE

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



Ashley Nwonuma

PUC Interoffice Memorandum

To: Ashley Nwonuma, Attorney
Legal Division

Thru: Lisa Fuentes, Team Lead
Water Utilities Division

From: Jonathan Ramirez, Financial Analyst
Water Utilities Division

Date: February 27, 2017

Subject: **Docket No. 46809:** *Application of Cash Special Utility District to Amend A Certificate of Convenience and Necessity in Hopkins County*

On January 27, 2017, Cash Special Utility District (Cash SUD or Applicant) filed an application to amend its water Certificate of Convenience and Necessity (CCN) No. 10824 in Hopkins County. This application is being reviewed pursuant to Texas Water Code Ann. (TWC), §§ 13.242 to 13.250.

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) 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 Hopkins County.
- 2) The Applicant provide correct notice to the following:
 - Brashear WSC (CCN No. 10498)
 - City of Cumby (CCN No. 10496)
 - Gafford Chapel WSC (CCN No. 10473)
 - Hopkins County Judge
 - Miller Grove WSC (CCN No. 11279)

- Sabine River Authority
- Sulphur River Basin Authority

Staff recommends the Applicant file within 30 days of the Commission order, 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 HOPKINS
COUNTY, TEXAS**

Cash Special Utility District has filed an application with the Public Utility Commission of Texas to amend its Certificate of Convenience and Necessity No. 10824 for the provision of water utility service in Hopkins County.

The proposed utility service area is located approximately 2 miles east of downtown Cumby, Texas, and is generally bounded on the north by FM 499; on the east by Big Creek; on the south by CR 4129; and on the west by FM 275.

The total area being requested includes approximately 8 acres and 0 current customers.

A copy of the proposed service area map is available at: 172 FM 1564, Greenville, TX 75402- (903) 883-2695

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.

A landowner with a tract of land at least 25 acres or more, that is partially or wholly located within the requested area, may file a written with the Commission to be excluded from the requested area ("opt out") within (30) days from the date that notice was provided by the applicant. All opt out requests must include a large scale map and a metes and bounds description of the landowner's tract of land.

Persons who wish to request this option should file the required documents with the:
Public Utility Commission of Texas
Central Records
1701 North Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326

In addition, the landowner must also send a copy of the opt out to the applicant. Staff may request additional information regarding your request.

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

Persons who wish to intervene in the proceeding or comment upon action sought should contact the Public Utility Commission, P.O. Box 13326, Austin, Texas 78711-3326, or call the Public Utility Commission at (512) 936-7120 or (888) 782-8477. Hearing- and speech-impaired individuals with text telephones (TTY) may contact the commission at (512) 936-7136. The deadline for intervention in the proceeding is (30 days from the mailing or publication of notice, whichever occurs later, unless otherwise provided by the presiding officer). You must send a letter requesting intervention to the commission which is received by that date.

Notice to Neighboring Systems, Landowners and Cities

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

To: _____
(Neighboring System, Landowner or City)

Date Notice Mailed: _____, 2017

(Address)

(City State Zip)

Cash Special Utility District has filed an application with the Public Utility Commission of Texas to amend its Certificate of Convenience and Necessity No. 10824 for the provision of water utility service in Hopkins County.

The proposed utility service area is located approximately 2 miles east of downtown Cumby, Texas, and is generally bounded on the north by FM 499; on the east by Big Creek; on the south by CR 4129; and on the west by FM 275.

See enclosed map of the proposed service area.

The total area being requested includes approximately 8 acres and 0 current customers.

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.

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PUBLIC UTILITY COMMISSION



AFFIDAVIT OF NOTICE TO NEIGHBORING UTILITIES, LANDOWNERS AND CITIES DOCKET NO. 46809

STATE OF TEXAS

COUNTY OF _____

_____ has provided individual notice
to the following entities and landowners:

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 _____

PUBLIC UTILITY COMMISSION



PUBLISHER'S AFFIDAVIT
DOCKET NO. 46809

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 _____