



Control Number: 46835



Item Number: 37

Addendum StartPage: 0

DOCKET NO. 46835

RECEIVED

APPLICATION OF ALBURY MANOR §
UTILITY COMPANY, INC. TO §
AMEND ITS CERTIFICATE OF §
CONVENIENCE AND NECESSITY §
TO DECERTIFY THE ALBURY §
TRAIL ESTATES SERVICE AREA IN §
HARRIS COUNTY §

PUBLIC UTILITY COMMISSION

2018 FEB 22 PM 2:30
PUBLIC UTILITY COMMISSION
OF TEXAS
FILING CLERK

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

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and in response to Order No. 10, files this Supplemental Recommendation on Administrative Completeness and Proposed Notice. Staff recommends that the application be deemed sufficient for further review. In support thereof, Staff shows the following:

I. BACKGROUND

On February 6, 2017, the City of Princeton (Princeton) filed an application to amend water Certificate of Convenience and Necessity (CCN) No. 13195 and sewer CCN No. 21057 and to decertify a portion of Altoga Water Supply Corporation (Altoga) in Collin County. Although Princeton initially sought to decertify a portion of Altoga's water CCN No. 12580, Altoga's CCN service area is being transferred to North Collin Special Utility District in Docket No. 46452 and CCN No. 12580 will be cancelled.

On February 21, 2018, Order No. 10 was issued establishing a deadline of February 22, 2018, for Staff to file a supplemental recommendation on the administrative completeness of the application, the sufficiency of the proposed notice, and to propose a procedural schedule. Therefore, this pleading is timely filed.

II. ADMINISTRATIVE COMPLETENESS

As further detailed in the attached memorandum of Greg Charles of the Commission's Water Utility Regulation Division, Staff has reviewed the application and recommends that it be found administratively complete. As further detailed in the attached memorandum, Staff recommends that Princeton be directed to provide notice of the application to the following:

- a. cities, districts, and neighboring retail public utilities providing the same utility service whose corporate boundaries or certificated service area are located within two miles from the outer boundary of the requested area;
- b. the county judge of each county that is wholly or partially included in the requested area;
- c. each groundwater conservation district that is wholly or partially included in the requested area; and
- d. affected customers; and
- e. publish notice once a week for two (2) consecutive weeks in a newspaper of general circulation in Collin County.

Provide correct notice of the application to the following entities:

- City of Lowry Crossing
- City of McKinney (CCN Nos. 10194 & 20071)
- City of Melissa (CCN Nos. 11482 & 20975)
- City of New Hope
- Collin County Judge
- Milligan WSC (CCN No. 10188)
- North Collin SUD (CCN No. 11035)
- North Texas Groundwater Conservation District
- North Texas MWD
- Verona WSC (CCN No. 10184)
- Windmill Estates Water (CCN No. 11645)

Provide an accurate map delineating the requested service area with each individual notice to neighboring utilities, other affected parties, and customers. Information related to districts including addresses can be obtained by the Princeton from the TCEQ web site located at <http://www14.tceq.texas.gov/iwud/>.

Within 30 days of the date of the notice, file in the docket a map and copy of notice along with an affidavit specifying every person and entity to whom notice was provided, the date that the notice was provided, and the publisher's affidavit for proof of newspaper publication. It is recommended that the Princeton use the attached notices and affidavits to meet these requirements.

Staff recommends that the applicant be ordered to wait to file notice until the transfer of Altoga's CCN to North Collin Special Utility District is completed.

III. PROCEDURAL SCHEDULE

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

Event	Date
Deadline for Princeton 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 6, 2018
Deadline for Staff to file a recommendation on sufficiency of notice	Within 10 days of Princeton filing proof of completed notice with the Commission
Deadline to intervene	30 days after notice is issued

IV. CONCLUSION

For the reasons detailed above, Staff recommends that the application be found administratively complete, that Princeton be directed to provide notice as detailed above and in the attached memorandum, and that the procedural schedule proposed above be adopted.

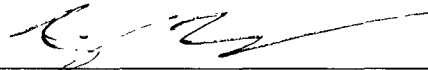
Dated: February 22, 2018

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Karen S. Hubbard
Managing Attorney




Landon J. Lill
State Bar No. 24092700
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7228
(512) 936-7268 (facsimile)

Landon.Lill@puc.texas.gov

DOCKET NO. 46835

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on February 22, 2018, in accordance with 16 TAC § 22.74.



Landon J. Lill

PUC Interoffice Memorandum

To: Landon Lil, Attorney
Legal Division

Thru: Lisa Fuentes, Manager
Water Utility Regulation Division

From: Greg Charles, Staff Engineer
Water Utility Regulation Division

Date: February 22, 2018

Subject: **Docket No. 46835:** *Application of City of Princeton to Amend a Water and Sewer Certificate of Convenience and Necessity and to Decertify a Portion of Altoga Water Supply Corporation's Water Certificate of Convenience and Necessity in Collin County*

On February 6, 2017, the City of Princeton ("Applicant" or "City") filed an application to its amend water Certificate of Convenience and Necessity (CCN) No. 13195 and sewer CCN No. 21057 in Collin County, Texas, pursuant to Texas Water Code (TWC) §§ 13.242-.250 and 16 Tex. Admin. Code (TAC) §§ 24.101-.107. Although the Applicant initially sought to decertify a portion of Altoga Water Supply Corporation's (Altoga WSC) water CCN No. 12580, Altoga's CCN service area is being transferred to North Collin Special Utility District in Docket No. 46452 and CCN No. 12580 will be cancelled. Therefore, this application will no longer reference Altoga WSC's decertification.

Staff has reviewed the Applicant's supplemental information filed on October 18, 2017, October 25, 2017, and January 18, 2018, and recommends the application be deemed administratively complete and sufficient for filing. Staff also 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 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) 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 Collin County.
- 2) Provide correct notice of the application to the following:
 - City of Lowry Crossing
 - City of McKinney (CCN Nos. 10194 & 20071)
 - City of Melissa (CCN Nos. 11482 & 20975)
 - City of New Hope
 - Collin County Judge
 - Milligan WSC (CCN No. 10188)
 - North Collin SUD (CCN No. 11035)

- North Texas Groundwater Conservation District
 - North Texas MWD
 - Verona WSC (CCN No. 10184)
 - Windmill Estates Water (CCN No. 11645)
- 3) Include an accurate map delineating the requested area with each individual notice to neighboring utilities, landowners and other affected parties. Information related to districts including addresses can be obtained from the TCEQ's web site located at <http://www14.tceq.texas.gov/iwud/>.
- 4) Within 30 days of the date of the notice, file in the docket a map and copy of notice along with an affidavit specifying every person and entity to whom notice was provided, the date that the notice was provided, and the publisher's affidavit for proof of newspaper publication. It is recommended that the Applicant use the attached notices and affidavits to meet these requirements.

Notice to Neighboring Systems, Cities and Landowners
**NOTICE OF APPLICATION TO AMEND CERTIFICATES OF CONVENIENCE AND
NECESSITY (CCN) FOR THE PROVISION OF WATER AND SEWER SERVICES IN
COLLIN COUNTY, TEXAS**

To: _____
(Name of neighboring systems, cities and landowners)

Date Notice Mailed: _____, 2018

(Address)

(City State Zip)

The City of Princeton filed an application with the Public Utility Commission of Texas to amend its Certificate of Convenience and Necessity (CCN) Nos. 13195 and 21057 for the provision of water and sewer service in Collin County.

The requested water and sewer areas are located approximately between 2 and 6 miles north of downtown Princeton, Texas, and is generally bounded on the north by CR 471; on the east by CR500 and CR 494; on the south by Monte Carlo Blvd; and on the west by CR 409, FM 1827, and CR 406. The requested water service area includes approximately 2633 acres. The requested sewer service area includes approximately 1636 acres.

See enclosed map showing the requested area.

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.

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 service area, you may request to be excluded from the proposed service 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.

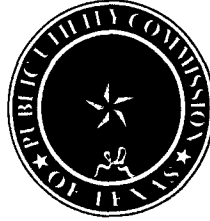
Persons who meet the requirements to opt out, and wish to request this option should file the required documents with the:

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 información en español, puede llamar al 1-512-936-7221.

PUBLIC UTILITY COMMISSION



AFFIDAVIT OF NOTICE TO NEIGHBORING UTILITIES, LANDOWNERS AND AFFECTED PARTIES
DOCKET NO. 46835

STATE OF TEXAS

COUNTY OF _____

has provided individual notice to the following:

DATE

OATH

I, _____, being duly sworn, file this form as _____ (indicate relationship to applicant, that is owner, member or 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 forth 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 _____, 2018, 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 _____

NOTICE FOR PUBLICATION

NOTICE OF APPLICATION TO AMEND CERTIFICATES OF CONVENIENCE AND NECESSITY (CCN) FOR THE PROVISION OF WATER AND SEWER SERVICE IN COLLIN COUNTY, TEXAS

The City of Princeton filed an application with the Public Utility Commission of Texas to amend its Certificate of Convenience and Necessity (CCN) Nos. 13195 and 21057 for the provision of water and sewer service in Collin County.

The requested water and sewer areas are located approximately between 2 and 6 miles north of downtown Princeton, Texas, and is generally bounded on the north by CR 471; on the east by CR500 and CR 494; on the south by Monte Carlo Blvd; and on the west by CR 409, FM 1827, and CR 406

The requested water service area includes approximately 2633 acres. The requested sewer service area includes approximately 1636 acres.

A copy of the map showing the requested area is available at: 123 West Princeton Dr. Princeton, Texas 75407.

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.

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.

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 request with the Commission to be excluded from the requested area ("opt out") within (30) days from the date that notice was provided by the Utility. 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 N. Congress, P. O. Box 13326
Austin, TX 78711-3326

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

Si desea información en español, puede llamar al 1-512-936-7221.

PUBLIC UTILITY COMMISSION



PUBLISHER'S AFFIDAVIT DOCKET NO. 46835

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 _____