



Control Number: 46851



Item Number: 21

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DOCKET NO. 46851

RECEIVED

APPLICATION OF WATER §
NECESSITIES, INC. TO AMEND A §
WATER CERTIFICATE OF §
CONVENIENCE AND NECESSITY IN §
HARDIN COUNTY §

2017 SEP 15 AM 11:31
PUBLIC UTILITY COMMISSION
PUBLIC UTILITY DIVISION
OF TEXAS
REGISTRY CLERK

COMMISSION STAFF'S RECOMMENDATION ON SUFFICIENCY OF APPLICATION AND PROCEDURAL SCHEDULE

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this Recommendation on Sufficiency and Procedural Schedule. In support thereof, Staff shows the following:

I. BACKGROUND

On February 13, 2017, Water Necessities, Inc. (Applicant) filed an application with the Public Utility Commission of Texas to amend its water certificate of convenience and necessity (CCN) No. 12243 in Hardin County, Texas. Applicant seeks the amendment to provide water utility service to approximately 72 acres of land and 61 customers. In Order No. 6, issued July 17, 2017, Staff was ordered to file a recommendation on the administrative completeness of the application, along with a proposed procedural schedule if appropriate, by September 15, 2017. This pleading is therefore timely filed.

II. RECOMMENDATION ON ADMINISTRATIVE SUFFICIENCY

Staff has reviewed Applicant's application and supplemental information filed and recommends it be found sufficient for filing, as supported by the attached memorandum of Patricia Garcia of the Water Utility Regulation Division (Attachment A). The Applicant should be ordered to provide notice and proof of that notice using the forms (Attachment B) and in the manner detailed in the attached memorandum.

III. PROPOSED PROCEDURAL SCHEDULE

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

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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	October 30, 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 entry of an order consistent with the above recommendation.

Dated: September 15, 2017

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF
TEXAS LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

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Managing Attorney



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DOCKET NO. 46851
CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record September 15, 2017, in accordance with 16 Texas Admin. Code § 22.74.



Alexander Petak

ATTACHMENT A

PUC Interoffice Memorandum

To: Alex Petak
Legal Division

Thru: Lisa Fuentes, Manager
Water Utility Regulation Division

From: Patricia Garcia, Staff Engineer
Water Utility Regulation Division

Date: September 12, 2017

Subject: **Docket 46851**, *Application of Water Necessities, Inc. to Amend a Water Certificate of Convenience and Necessity in Hardin County*

On February 13, 2017, Water Necessities, Inc., (Applicant or Water Necessities) submitted an application to amend its water Certificate of Convenience and Necessity (CCN) No. 12243 in Hardin County pursuant to Texas Water Code Ann. (TWC), §§ 13.242 to 13.250 and the 16 Tex. Admin Code (TAC) §§24.101 to 24.107. The purpose of the application is to adjust the CCN boundaries of Water Necessities and North Hardin Water Supply Corporation (WSC), CCN No. 11267, to reflect areas where each entity is currently providing water service. The application includes a letter from North Hardin WSC agreeing to the boundary changes.

Staff has reviewed additional information filed by the Applicant and 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) 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) publish notice once each week for two consecutive weeks in a newspaper of general circulation in Hardin County.

- 2) Provide notice to the following:
 - City of Silsbee
 - Hardin County
 - Lower Neches Valley Authority
 - North Hardin WSC
 - Southeast Texas Groundwater Conservation District

- 3) Include an accurate map delineating the requested area with each individual notice to neighboring utilities 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 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.

ATTACHMENT B

Notice for Publication

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

Water Necessities, Inc. has filed an application with the Public Utility Commission of Texas to amend and decertify portions of its CCN No. 12243 and to decertify portions of North Hardin Water Supply Corporation's CCN No. 11267, for the provision of retail water utility service in Hardin County.

The requested area is located approximately 3 miles north of downtown Silsbee, Texas, and is generally bounded on the north by northern end of Beasley Dr.; on the east by Hwy 92; on the south by Mormon Church Rd; and on the west by Lacey Lane.

The total requested area includes approximately 72 acres and 61 current customers.

The purpose of the application is to adjust the CCN boundaries of Water Necessities and North Hardin Water Supply Corporation (WSC), CCN No. 11267, to reflect areas where each entity is currently providing water service.

A copy of the map showing the requested area is available at: WNI mailing: P.O. Box 62, Vidor, TX 77670, Physical Address: 1020 N. Main, Vidor, TX 77662, Office Number: (409) 769-9030

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.

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

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 HARDIN COUNTY, TEXAS**

To: _____
(Neighboring System, Landowner or City)

(Address)

(City State Zip)

Date Notice Mailed: _____, 2017

Water Necessities, Inc. has filed an application with the Public Utility Commission of Texas to amend and decertify portions of its CCN No. 12243 and to decertify portions of North Hardin Water Supply Corporation’s CCN No. 11267, for the provision of retail water utility service in Hardin County.

The requested area is located approximately 3 miles north of downtown Silsbee, Texas, and is generally bounded on the north by northern end of Beasley Dr.; on the east by Hwy 92; on the south by Mormon Church Rd; and on the west by Lacey Lane.

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The purpose of the application is to adjust the CCN boundaries of Water Necessities and North Hardin Water Supply Corporation (WSC), CCN No. 11267, to reflect areas where each entity is currently providing water service.

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.

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

PUBLIC UTILITY COMMISSION



AFFIDAVIT OF NOTICE TO CURRENT CUSTOMERS, NEIGHBORING UTILITIES AND
AFFECTED PARTIES
DOCKET NO. 46851

STATE OF TEXAS
COUNTY OF _____

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

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. 46851

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 _____