



Control Number: 46948



Item Number: 9

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**DOCKET NO. 46948**

**APPLICATION OF VINEYARD  
RIDGE, LLC TO OBTAIN A WATER  
CERTIFICATE OF CONVENIENCE  
AND NECESSITY IN GILLESPIE  
COUNTY**

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**PUBLIC UTILITY COMMISSION**

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**OF TEXAS**

PUBLIC UTILITY COMMISSION  
FILING CLERK

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

**COMES NOW** the Staff of the Public Utility Commission of Texas (Staff), representing the public interest and files this Supplemental Recommendation on Administrative Completeness in response to Order No. 2 and would show the following:

**I. BACKGROUND**

On March 15, 2017, Vineyard Ridge, LLC (Vineyard Ridge) filed an application to obtain a water Certificate of Convenience and Necessity (CCN) in Gillespie County. On May 3, 2017, Vineyard Ridge supplemented its application.

On April 19, 2017, the administrative law judge (ALJ) issued Order No. 2 which found Vineyard Ridge's application administratively incomplete, required Vineyard Ridge to supplement its application, and directed Staff to file a supplemental recommendation on the administrative completeness of Vineyard Ridge's application and proposed notice by June 16, 2017. This pleading is therefore timely filed.

**II. COMMENTS ON ADMINISTRATIVE COMPLETENESS**

Staff has reviewed Vineyard Ridge's petition and supplement, and, as supported by the attached memorandum of Fred Bednarski of the Water Utilities Division, Staff recommends that the application be found administratively complete and deemed sufficient for filing.

**III. NOTICE REQUIREMENTS**

Staff has attached the notice the Applicants must provide to any districts, utilities, and cities within two miles of the proposed service area, the county judge of Gillespie County, each

groundwater conservation district and city with an extraterritorial jurisdiction that is wholly or partly included in the proposed area to be certified. In addition to those systems identified in the Application, Staff recommends that Applicants notify the entities identified in the attached memorandum.

Further, Staff has attached the affidavit the Applicants must sign and file with the Commission after providing notice in accordance with 16 TAC § 24.112(c). Additionally, the Applicants should provide an accurate map delineating the proposed area with each mailed notice. Staff recommends that Applicants publish notice once each week for two consecutive weeks in newspapers of general circulation in Gillespie County.

At this time, Staff recommends that the Applicants be allowed to proceed with providing notice for the proposed transaction and be given until July 14, 2017 to provide proof of notice to the Commission.

It is recommended that the Applicant use the attached notice and affidavits to meet these requirements.

#### **IV: PROPOSED PROCEDURAL SCHEDULE**

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

<b>Event</b>	<b>Date</b>
Deadline for Applicant to file proof of notice with the Commission	July 14, 2017
Deadline for Staff to file a recommendation on sufficiency of notice	July 21, 2017
Deadline to intervene	30 days after notice is issued

**V. CONCLUSION**

Staff respectfully requests the issuance of an order consistent with the above recommendation.

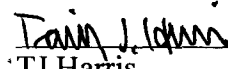
Dated: June 16, 2017

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF  
TEXAS  
LEGAL DIVISION**

Margaret Uhlig Pemberton  
Division Director

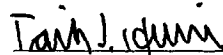
Stephen Mack  
Managing Attorney

  
TJ Harris  
Attorney – Legal Division  
State Bar No. 24097804  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326  
(512) 936-7216  
(512) 936-7268 (facsimile)  
TJ.Harris@puc.texas.gov

**DOCKET NO. 46948**

**CERTIFICATE OF SERVICE**

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

  
TJ Harris

## PUC Interoffice Memorandum

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**To:** TJ Harris, Attorney  
Legal Division

**Thru:** Lisa Fuentes, Manager  
Water Utilities Division

**From:** Fred Bednarski, Financial Examiner  
Water Utilities Division

**Date:** June 14, 2017

**Subject:** **Docket 46948**, *Application of Vineyard Ridge, LLC to Obtain a Certificate of Convenience and Necessity in Gillespie County*

On March 15, 2017, Vineyard Ridge, LLC, (Applicant) filed with the Public Utility Commission of Texas (Commission) an application to obtain a water Certificate of Convenience and Necessity in Gillespie County, Texas pursuant to Texas Water Code Ann. (TWC), §§ 13.242 to 13.250 and the 16 Tex. Admin Code (TAC) §§ 24.101 to 24.107.

A Staff review of the information filed by the applicant on April 17, and May 3, 2017, found that it is sufficient in the required application and mapping information. Therefore, Staff recommends that the application be deemed sufficient for filing and 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;
  - d) landowners who own a tract of land that is at least 25 acres and is wholly or partly located in the requested 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 requested area is located; and
  - e) publish notice once each week for two (2) consecutive weeks in a newspaper of general circulation in Gillespie County.
- 2) Provide correct notice of the application to the following entities:
  - Gillespie County WCID 1
  - Hill Country Underwater Conservation District
  - Lower Colorado River Authority
  - Gillespie County Judge
- 3) Include copy of a map showing the requested area with the individual notices to neighboring utilities, other affected parties and each landowner. 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/>.

Within 30 days of the Commission order, 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 OBTAIN A CERTIFICATE OF  
CONVENIENCE AND NECESSITY (CCN) TO PROVIDE WATER UTILITY  
SERVICE IN GILLESPIE COUNTY, TEXAS

Vineyard Ridge, LLC, has filed an application with the Public Utility Commission of Texas to obtain a Certificate of Convenience and Necessity for the provision of retail water utility service in Gillespie County.

The requested area is located approximately 14 miles northeast of downtown Fredericksburg, Texas, and is generally bounded on the north by North Grape Creek Road; on the east by North Grape Creek Road on the south by FM 2721; and on the west by Dry Hollow Road (CR 109).

The total requested area includes approximately 601 acres and 0 current customers.

A copy of the map showing the requested area is available at: 14246 E. US Hwy 290, Stonewall, Texas 78671 - ph. 800-511-2430

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.

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

***Notice to Neighboring Systems, Landowners and Cities***

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

To: \_\_\_\_\_ Date Notice Mailed: \_\_\_\_\_, 2017  
(Neighboring System, Landowner or City)  
\_\_\_\_\_  
(Address)  
\_\_\_\_\_  
(City State Zip)

Vineyard Ridge, LLC, has filed an application with the Public Utility Commission of Texas to obtain a Certificate of Convenience and Necessity for the provision of retail water utility service in Gillespie County.

The requested area is located approximately 14 miles northeast of downtown Fredericksburg, Texas, and is generally bounded on the north by North Grape Creek Road; on the east by North Grape Creek Road on the south by FM 2721; and on the west by Dry Hollow Road (CR 109).

The total requested area includes approximately 601 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.

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Austin, TX 78711-3326

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

# PUBLIC UTILITY COMMISSION



## AFFIDAVIT OF NOTICE TO NEIGHBORING UTILITIES, LANDOWNERS AND CITIES DOCKET NO. 46948

STATE OF TEXAS

COUNTY OF \_\_\_\_\_

\_\_\_\_\_ has provided individual  
notice to the following entities and landowners:

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. 46948

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 \_\_\_\_\_