



Control Number: 47011



Item Number: 9

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DOCKET NO. 47011

**APPLICATION OF UTOPIA WATER §
SUPPLY CORPORATION FOR AN §
AMENDMENT TO A WATER §
CERTIFICATE OF CONVENIENCE AND §
NECESSITY IN UVALDE COUNTY §**

PUBLIC UTILITY COMMISSION

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

Comes now the Staff ("Staff") of the Public Utility Commission of Texas ("Commission"), representing the public interest, and files this Supplemental Recommendation on Administrative Completeness and Proposed Notice. In support thereof, Staff would show the following:

I. Background

On March 31, 2017, Utopia Water Supply Corporation ("Utopia" or "Applicant") filed an application to amend its water certificate of convenience and necessity (CCN) No. 12383 in Uvalde County. The proposed new service area being requested includes approximately 13 acres.

Order No. 2, issued on May 3, 2017, found Utopia's application deficient, required Utopia to amend its application to cure deficiencies, and required Staff to file a supplemental recommendation on the administrative completeness of the amended application by June 9, 2017. This pleading is, therefore, timely filed.

II. Staff's Recommendation

Staff has reviewed Utopia's amended application, including the additional information filed by Utopia on May 26 and May 31, 2017. As detailed by the attached memorandum of Andrew Novak of the Water Utilities Division, Staff recommends that the application be deemed administratively complete and sufficient for filing.

Staff has also included as an attachment hereto a form of proposed notice for the Applicant to use that meets the requirements of 16 Tex. Admin. Code § 24.106 (TAC). Staff recommends that the Applicant be directed to provide this notice to: (i) any districts, utilities, and cities within two miles of the proposed service area; (ii) the county judge of each county and each groundwater conservation district that is wholly or partly included in the proposed area to be certified; (iii) each

city with an extraterritorial jurisdiction (ETJ) that is wholly or partly included in the proposed area to be certified; and (iv) 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 attached memorandum includes a list of additional neighboring entities – Bandera County River Authority, Nueces River Authority, and Uvalde County Judge – to whom the Applicant should give notice. The Applicant should include with the individual notices a copy of a map showing the proposed service area, pursuant to 16 TAC § 24.106(a)(2). Additionally, Staff recommends that the Applicant publish notice once each week for two consecutive weeks in a newspaper of general circulation in Uvalde County, as required by 16 TAC § 24.106(c).

III. Proposed Procedural Schedule

Staff recommends the application be found administratively complete. Staff therefore 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	July 24, 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 entry of an order consistent with the above recommendation.

Dated: June 9, 2017

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Stephen Mack
Managing Attorney

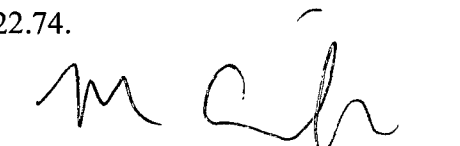
A handwritten signature in black ink, appearing to read 'M Crnich', written over a horizontal line.

Michael Crnich
State Bar No. 24059626
1701 N. Congress Avenue
P. O. Box 13326
Austin, Texas 78711-3326
(512) 936-7255
(512) 936-7268 (facsimile)
Email: Mike.Crnich@puc.texas.gov

DOCKET NO. 47011

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on June 9, 2017,
in accordance with 16 Tex. Admin. Code § 22.74.

A handwritten signature in black ink, appearing to read 'M Crnich', written over a horizontal line.
Michael Crnich

PUC Interoffice Memorandum

To: Michael Crnich, Attorney
Legal Division

Through: Lisa Fuentes, Manager
Water Utilities Division

From: Andrew Novak, Financial Analyst
Water Utilities Division

Date: June 9, 2017

Subject: **Docket No. 47011:** *Application of Utopia Water Supply Corporation for an Amendment to a Water Certificate of Convenience and Necessity in Uvalde County*

On March 31, 2017, Utopia Water Supply Corporation (Applicant) filed with the Public Utility Commission of Texas (Commission) an application to amend water Certificate of Convenience and Necessity (CCN) No. 12383 in Uvalde 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.

Staff has reviewed the additional information filed by the Applicant on May 26 and 31, 2017, and recommends the application be deemed administratively complete and sufficient for filing. Staff further recommends the following:

- 1) The Applicant be ordered to 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 Uvalde County.
- 2) The applicant should also provide correct notice of the application to the following:
 - Bandera County River Authority
 - Nueces River Authority
 - Uvalde County Judge
- 3) The Applicant include copy of a map showing the proposed service area with the individual notices to neighboring utilities, and other affected parties and each landowner. It is the Applicant's burden to provide an accurate map delineating the proposed 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/>.

- 4) The Applicant return within 30 days of the Commission order, a copy of the actual notice sent, the map that was sent with the individual notice, and the attached signed affidavit that the notice was given. It is recommended that the Applicant use the attached notice and affidavits to meet these requirements.

Notice to Neighboring Systems, Cities and Landowners

NOTICE OF APPLICATION TO AMEND A CERTIFICATE OF CONVENIENCE AND
NECESSITY (CCN) FOR THE PROVISION OF WATER SERVICE IN UVALDE COUNTY,
TEXAS

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

(Address)

(City State Zip)

Date Notice Mailed: ____, 2017

Utopia Water Supply Corporation has submitted an application with the Public Utility Commission of Texas to amend its water CCN No. 12383 in Uvalde County.

The proposed utility area is located in and around an approximate 3-mile radius of downtown Utopia, Texas, and is generally bounded on the north by the Uvalde/Bandera County Line; on the east by RM 187; on the south by RM 1050; and on the west by Saltmarsh Creek.

The new requested area includes approximately 13 acres and 0 current customers.

See enclosed map of the proposed service 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 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.

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 area, you may request to be excluded from the proposed 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 informacion en Espanol, puede llamar al 1-512-936-7221

PUBLIC UTILITY COMMISSION



AFFIDAVIT OF NOTICE TO NEIGHBORING UTILITIES, LANDOWNERS AND AFFECTED
PARTIES
DOCKET NO. 47011

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 _____, 2017 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 A CERTIFICATE OF CONVENIENCE AND
NECESSITY (CCN) FOR THE PROVISION OF WATER SERVICE IN UVALDE COUNTY,
TEXAS**

Utopia Water Supply Corporation has submitted an application with the Public Utility Commission of Texas to amend its water CCN No. 12383 in Uvalde County.

The proposed utility area is located in and around an approximate 3-mile radius of downtown Utopia, Texas, and is generally bounded on the north by the Uvalde/Bandera County Line; on the east by RM 187; on the south by RM 1050; and on the west by Saltmarsh Creek.

The new requested area includes approximately 13 acres and 0 current customers.

A copy of the map may be viewed at: 725 Main Street, Utopia, TX, 78884, 830-966-4186.

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.

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PUBLIC UTILITY COMMISSION



PUBLISHER'S AFFIDAVIT
DOCKET NO. 47011

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 _____