

Control Number: 47027



Item Number: 14

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PUBLIC UTILITY COMMISSION  
OF TEXAS

APPLICATION OF AQUA WATER §  
SUPPLY CORPORATION AND §  
FAYETTE WATER SUPPLY §  
CORPORATION FOR SALE, §  
TRANSFER, OR MERGER OF §  
FACILITIES AND CERTIFICATE §  
RIGHTS IN BASTROP COUNTY §

PUBLIC UTILITY COMMISSION  
OF TEXAS

**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 support thereof, Staff would show the following:

**I. BACKGROUND**

On April 4, 2017, Aqua Water Supply Corporation (Aqua) and Fayette Water Supply Corporation (Fayette) (collectively, Applicants) filed an application for approval of a sale, transfer, or merger of facilities and certificate rights in Bastrop County. Specifically, Aqua and Fayette have agreed to transfer a portion of Aqua's water certificate of convenience and necessity (CCN) No. 10294 to Fayette's water CCN No. 10726 to allow Fayette to provide water service to residents who are currently without potable water service.

On July 5, 2017, the Administrative Law Judge (ALJ) issued Order No. 3, which established August 28, 2017 as the deadline for Staff to file a supplemental recommendation regarding the sufficiency of the application and to propose a procedural schedule. This pleading is therefore timely filed.

**II. RECOMMENDATION ON ADMINISTRATIVE COMPLETENESS**

Staff has reviewed the application and supplemental materials and, as supported by the attached memorandum from Jolie Mathis of the Commission's Water Utility Regulation Division, Staff recommends that the application be deemed administratively complete and accepted for filing. Staff further recommends that the Applicants be required to provide notice consistent with the recommendations in the attached memorandum.

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### III. PROPOSED PROCEDURAL SCHEDULE

Staff proposes the following procedural schedule:

Event	Date
Deadline for Applicants to file notices and affidavits of proof of notice	September 28, 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 for intervention; deadline for intervenors to request a hearing on the merits	30 days after notice is issued

### IV. CONCLUSION

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

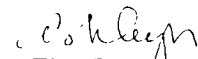
**DATED:** August 28, 2017

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF  
TEXAS LEGAL DIVISION**

Margaret Uhlig Pemberton  
Division Director

Katherine Lengieza Gross  
Managing Attorney



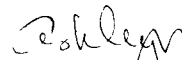
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**DOCKET NO. 47027**

**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on this the 28<sup>th</sup> of August, 2017, in accordance with 16 TAC § 22.74.



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Ashley Nwonuma

## PUC Interoffice Memorandum

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**To:** Ashley Nwonuma  
Legal Division

**Thru:** Lisa Fuentes, Manager  
Water Utility Regulation Division

**From:** Jolie Mathis, Staff Engineer  
Water Utility Regulation Division

**Date:** August 28, 2017

**Subject:** *Docket 47027, Application of Aqua Water Supply Corporation and Fayette Water Supply Corporation for Sale, Transfer, or Merger of Facilities and Certificate Rights in Bastrop County*

On April 4, 2017, Fayette Water Supply Corporation (Fayette WSC or Buyer) and the Aqua Water Supply Corporation (Aqua WSC or Seller) (Collectively, Applicants) filed an application for sale, transfer, or merger (STM) of certificate rights in Bastrop County, Texas, pursuant to Texas Water Code Ann. (TWC) § 13.301 and the 16 Tex. Admin Code (TAC) § 24.109. Specifically, Fayette WSC, Certificate of Convenience and Necessity (CCN) No. 10726, seeks to transfer a portion of Aqua WSC's water service area under CCN No. 10294. The requested area includes approximately 2035 acres and 0 connections.

On July 6, 2017, the Applicants filed information in response to Commission Order No. 3. Staff has reviewed the information and 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;
  
- 2) Provide correct notice of the application to the following entities:
  - Fayette WSC (CCN No. 10726)
  - Fayette County Groundwater Conservation District (GCD)
  - Lost Pines GCD
  - Lower Colorado River Authority
  - Bastrop County Judge
  
- 3) Include copy of a map showing the requested area with the individual notices to neighboring utilities and other affected parties. 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 a signed affidavit indicating that the notice was given. It is recommended that the Applicant use the attached notice and affidavit to meet these requirements.

*Notice to Neighboring Systems and Cities*

**FAYETTE WATER SUPPLY CORPORATION, CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) NO. 10726, NOTICE OF INTENT TO TRANSFER A PORTION OF WATER SERVICE AREA UNDER CCN NO. 10294, FROM AQUA WATER SUPPLY CORPORATION IN BASTROP COUNTY, TEXAS**

To: \_\_\_\_\_ Date Notice Mailed: \_\_\_\_\_, 201\_\_  
(Name of Neighboring System or City)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(City State Zip)

Fayette Water Supply Corporation                      P.O. Box 724                      LaGrange, TX                      78945  
(Purchaser's or Transferee's Name)                      (Address)                      (City) (State)                      (Zip Code)

has submitted an application with the Public Utility Commission of Texas (Commission) to purchase all water facilities and to transfer a portion of water service area under CCN No. 10294, in Bastrop County, TX from:

Aqua Water Supply Corporation                      415 Old Austin Hwy, Drawer P                      Bastrop, TX                      78602  
(Seller's or Transferor's Name)                      (Address)                      (City) (State)                      (Zip Code)

The sale is scheduled to take place as approved by the Commission (V.T.C.A., Water Code § 13.301). The transaction and the transfer of the CCN includes the following subdivision: Dolly Hellinger Subdivision

The requested area subject to this transaction is located approximately 3.5 miles northwest of downtown Cistern, Texas, and is generally bounded on the north by County Road 310; on the east by Bastrop/ Fayette County Line; on the south by Janca Shade Road; and on the west by County Road 297.

The total requested area for the water CCN being transferred includes approximately 2035 acres and 0 current customers.

See enclosed map showing the requested area.

This transaction will have the following effect on the current customers' rates and services: There are no current Aqua WSC customers in this area or effects on rates and services to these residents.

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.

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 78711-332, or call the Public Utility 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 final decision. An evidentiary hearing is a legal proceeding similar to a civil trial in state district court.

**Si desea informacion en Espanol, puede llamar al 1-888-782-8477**

\_\_\_\_\_  
Utility Representative

\_\_\_\_\_  
Utility Name



# PUBLIC UTILITY COMMISSION



## AFFIDAVIT OF NOTICE TO NEIGHBORING UTILITIES AND AFFECTED PARTIES DOCKET NO. 47027

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 \_\_\_\_\_