



Control Number: 47093



Item Number: 10

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APPLICATION OF PETRA FIRMA §
DEVELOPMENT GROUP, INC. A §
WATER CERTIFICATE OF §
CONVENIENCE AND NECESSITY IN §
TOM GREEN COUNTY §

PUBLIC UTILITY COMMISSION
OFFICE OF THE CLERK
OF TEXAS

COMMISSION STAFF'S RECOMMENDATION ON SUFFICIENCY

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

I. BACKGROUND

On April 24, 2017, Petra Firma Development Group, Inc. (Petra Firma) filed an application for a new water certificate of convenience and necessity (CCN) in Tom Green County, Texas. The total new service area being requested includes approximately 1,145 acres and zero current customers.

Order No. 2, issued May 31, 2017, found the application administratively incomplete and directed Petra Firma to amend its application to cure the deficiencies noted by Staff. On July 7, 2017, Petra Firma filed a request for extension of the deadline set out in Order No. 2. Order No. 3, issued July 10, 2017, granted Petra Firma's extension and directed it to amend its application by July 17, 2017. Petra Firma timely filed supplemental information amending its application. Order No. 3 also directed Staff to file a supplemental recommendation by August 15, 2017. Therefore, this pleading is timely filed.

II. STAFF'S RECOMMENDATION ON SUFFICIENCY

As detailed in the attached memorandum from Janie Kohl of the Water Utilities Division, Staff has reviewed Petra Firma's supplemental information and recommends that the application be found administratively complete and accepted for filing. Staff recommends that Petra Firma be directed to use the attached notice form to provide notice as detailed in the attached memorandum. Staff further recommends that Petra Firma be directed to file a copy of the actual notice issued and a fully executed affidavit of notice, using the attached affidavit.

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III. PROCEDURAL SCHEDULE

Staff recommends that the application be found administratively complete. While Petra Firma has provided proof that it has submitted plans and specifications for the proposed drinking water system to the Texas Commission on Environmental Quality (TCEQ), Petra Firma has not yet received TCEQ approval for its plans and specifications, which are required for final approval of this application. However, what has been provided is sufficient for Staff to recommend that the application be found administratively complete. Failure to timely submit proof of TCEQ approval will subject this docket to possible dismissal.

Staff therefore proposes the following procedural schedule:

Event	Date
Deadline for Applicants to file proof of notice with the Commission	September 28, 2017
Deadline for Staff to file a recommendation on sufficiency of notice	October 10, 2017
Deadline to intervene	30 days after notice is issued

Further, Staff respectfully requests that the ALJ order Petra Firma to notify the Commission within ten days upon receipt of any TCEQ disapproval letter.

IV. CONCLUSION

For the reasons stated above, Staff recommends that the application be found administratively complete and that the procedural schedule proposed above be adopted for continued processing of this application.

Dated: August 15, 2017

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Karen S. Hubbard
Managing Attorney



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**DOCKET NO. 47093
CERTIFICATE OF SERVICE**

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



Erika N. Garcia

PUC Interoffice Memorandum

To: Erika Garcia
Legal Division

Thru: Lisa Fuentes, Manager
Water Utility Regulation Division

From: Janie Kohl, Financial Analyst
Water Utility Regulation Division

Date: August 8, 2017

Subject: **Docket No. 47093**, *Application of Petra Firma Development Group, Inc. to Obtain a Water Certificate of Convenience and Necessity in Tom Green County*

On April 27, 2017, Petra Firma Development Group, Inc. (Applicant) filed an application to obtain a water Certificate of Convenience and Necessity (CCN) in Tom Green County, Texas, pursuant to Texas Water Code (TWC) §§ 13.242-.250 and 16 Tex. Admin Code (TAC) §§ 24.101-.107. The requested area includes 1,145 acres with 0 current customers.

On July 13, 2017 the Applicant filed information in response to Order No. 3. Staff has reviewed the supplemental information and recommends the application be deemed administratively complete and accepted for filing. Staff further recommends the Applicant be ordered to:

- 1) Provide correct 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 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;
 - e) the following entities:
 - a. Concho Rural Water Corporation (CCN No. 11361)
 - b. Lipan-Kickapoo Water Conservation District
 - c. Upper Colorado River Authority
 - d. Tom Green County
- 2) Include a 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/>.
- 3) Publish notice once each week for two (2) consecutive weeks in a newspaper of general circulation in Tom Green County; and

- 4) 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 notice and affidavit 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 TOM GREEN COUNTY, TEXAS**

Petra Firma Development Group, Inc. 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 Tom Green County.

The requested area is located approximately 5 miles northwest of downtown Christoval, Texas, and is generally bounded on the north by FM 2335; on the east 4 miles from US 277; on the south 0.5 miles from Allen Road; and on the west 4.5 miles from Guinn Road.

The total requested area includes approximately 1,145 acres and 0 current customers.

The requested area overlaps the boundaries of the Lipan-Kickapoo Water Conservation District. If the Lipan-Kickapoo Water Conservation District does not request a public hearing, the Commission shall determine that the Lipan-Kickapoo Water Conservation District is consenting to the Petra Firma Development Group, Inc.'s application to provide retail water utility service in the requested area.

A copy of the map showing the requested area is available at: Bleyl Engineering: 318 W. Highland Blvd., San Angelo, Texas 76903.

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 TOM GREEN COUNTY, TEXAS**

To: _____
(Neighboring System, Landowner or City)

(Address)

(City State Zip)

Date Notice Mailed: _____, 2017

Petra Firma Development Group, Inc. 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 Tom Green County.

The requested area is located approximately 5 miles northwest of downtown Christoval, Texas, and is generally bounded on the north by FM 2335; on the east 4 miles from US 277; on the south 0.5 miles from Allen Road; and on the west 4.5 miles from Guinn Road.

The total requested area includes approximately 1,145 acres and 0 current customers.

The requested area overlaps the boundaries of the Lipan-Kickapoo Water Conservation District. If the Lipan-Kickapoo Water Conservation District does not request a public hearing, the Commission shall determine that the Lipan-Kickapoo Water Conservation District is consenting to the Petra Firma Development Group, Inc.'s application to provide retail water utility service within the requested area.

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 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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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. 47093

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. 47093

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 _____