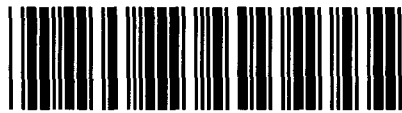




Control Number: 47190



Item Number: 11

Addendum StartPage: 0

**DOCKET NO. 47190**

**APPLICATION OF FROGNOT §  
WATER SUPPLY CORPORATION §  
AND NORTH FARMERSVILLE §  
WATER SUPPLY CORPORATION §  
FOR SALE, TRANSFER, OR MERGER §  
OF FACILITIES AND CERTIFICATE §  
RIGHTS AND FOR DUAL §  
CERTIFICATION OF CERTAIN §  
AREAS IN COLLIN, HUNT AND §  
FANNIN COUNTIES §**

**RECEIVED  
PUBLIC UTILITY COMMISSION  
2017 AUG 25 AM 11:05  
OF TEXAS**

**FILED  
FILING CLERK**

**COMMISSION STAFF'S RECOMMENDATION ON SUFFICIENCY AND PROPOSED  
PROCEDURAL SCHEDULE**

**COMES NOW** the Staff of the Public Utility Commission of Texas (Staff), representing the public interest and files this Recommendation on Sufficiency and Proposed Procedural Schedule.

**I. BACKGROUND**

On May 18, 2017, Frognot Water Supply Corporation (Frognot) applied amend its water certificate of convenience and necessity (CCN) No. 10164 in Collin, Hunt and Fannin Counties by transferring existing customers and facilities from the North Farmersville Water Supply Corporation to Frognot, and for dual certification in certain areas with North Farmersville WSC, Caddo Basin SUD, and, West Leonard WSC.

Order No. 2 restyled this matter as a Sale, Transfer, or Merger Application (Application) and included North Farmersville WSC (Farmersville) as a co-applicant. Order No. 3 allowed Staff until August 25, 2017 to make a recommendation on sufficiency.

**II. RECOMMENDATION ON SUFFICIENCY**

As noted in the Attached memorandum of Emily Sears of the Water Utilities Division, Staff has reviewed the Applicants' filings and recommends that the Application is sufficient for filing. Staff further recommends the applicants issue notice. The attached memorandum provides instructions on issuing notice and providing proof of notice. Also attached is a sample notice and affidavit of notice.

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### III. PROPOSED PROCEDURAL SCHEDULE

Staff proposes the following procedural Schedule for further processing of the Application:

Event	Deadline
Applicants file with the Commission signed affidavits that notice was provided, along with attached copies of the actual notices and map provided.	September 29, 2017
Staff files comments on proof of notice and additional procedural schedule.	October 17, 2017
Intervention deadline	30 days after mailing of notice

### IV. CONCLUSION

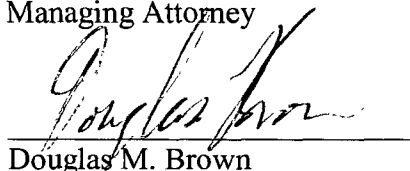
Staff respectfully requests the issuance of an order consistent with the above recommendations.

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Margaret Uhlig Pemberton  
Division Director

Stephen Mack  
Managing Attorney

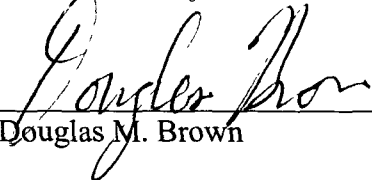


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**DOCKET NO. 47190**

**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on or before August 25, 2017, in accordance with 16 Tex. Admin. Code § 22.74.

  
\_\_\_\_\_  
Douglas M. Brown

# *Public Utility Commission of Texas*

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## **Memorandum**

**To:** Douglas Brown, Attorney  
Legal Division

**Through:** Tammy Benter, Director  
Water Utilities Division

**From:** Emily Sears, Financial Analyst  
Water Utilities Division

**Date:** August 25, 2017

**Subject:** **Docket No. 47190;** *Application of Frognot Water Supply Corporation and North Farmersville Water Supply Corporation for Sale, Transfer, or Merger of Facilities and Certificate Rights and for dual Certification of Certain Areas in Collin, Hunt and Fannin Counties*

On May 18, 2017, Frognot Water Supply Corporation (Frognot or Applicant) applied to amend its water Certificate of Convenience and Necessity (CCN) No. 10164 in Collin, Hunt and Fannin Counties. The application was filed pursuant to §§ 13.242-13.250, and 13.301 of the Texas Water Code (TWC) and 16 Texas Administrative Code §§ 24.8, 24.101 - 24.107, and 24.109 (TAC).

The Applicant has requested to transfer customers and facilities from North Farmersville Water Supply Corporation to the Applicant, to obtain dual certification with North Farmersville Water Supply Corporation, to obtain dual certification with Caddo Basin Special Utility District, and to obtain dual certification with West Leonard WSC.

A Staff review of the additional information filed by the applicant on July 19, 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 found 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; and
  - d) existing customers.
- 2) Provide correct notice of the application to the following entities:
  - Caddo Basin SUD (CCN No. 10165)
  - City of Blue Ridge (CCN No. 13123)
  - City of Farmersville
  - Collin County Judge
  - Desert WSC (CCN No. 10158)
  - Fannin County Judge
  - Hickory Creek SUD (CCN No. 10809)
  - North Farmersville WSC (CCN No. 12363)

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

NOTICE OF APPLICATION OF FROGNOT WATER SUPPLY CORPORATION,  
CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) NO. 10164, TO PURCHASE  
WATER FACILITIES AND TO TRANSFER CUSTOMERS UNDER NORTH  
FARMERSVILLE WATER SUPPLY CORPORATION'S NO. 12363, IN COLLIN, HUNT,  
AND FANNIN COUNTIES

To: \_\_\_\_\_  
(Neighboring System, Customers or City)

Date Notice Mailed: \_\_\_\_\_, 2017

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

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

Frognot Water Supply Corporation (WSC) has filed an application with the Public Utility Commission of Texas to amend its Certificate of Convenience and Necessity for CCN No. 10164 for the provision of retail water utility service in Collin, Hunt, and Fannin Counties. Frognot WSC is also requesting to transfer existing customers and facilities from the North Farmersville Water Supply Corporation, and for dual certification in certain areas with North Farmersville Water Supply Corporation, Caddo Basin Special Utility District, and West Leonard Water Supply Corporation.

The requested area is comprised of two areas (northern and southern).

The northern area is located approximately 3 miles north of downtown Blue Ridge, Texas, and is generally bounded on the north by Fannin CR 5005; on the east by Fannin CR 5005; on the south by the Collin/Fannin County Line; and on the west by the Collin/Fannin County Line.

The southern area is located approximately 5 mile(s) north of downtown Farmersville, Texas, and is generally bounded on the north by Collin CR 618; on the east by Collin CR 703; on the south by Collin CR 617; and on the west by SH 78.

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 customers and facilities includes the following area: southern, as described above.

This transaction will have the following effect on the 11 current customers' rates and services: Customers will be charged different rates than they were charged before the transaction.

The total requested area includes approximately 1,330 acres.

**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.

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 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 1-512-936-7221.

# PUBLIC UTILITY COMMISSION



AFFIDAVIT OF NOTICE TO CURRENT CUSTOMERS, NEIGHBORING UTILITIES AND  
AFFECTED PARTIES  
DOCKET NO. **47190**

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 \_\_\_\_\_



- North Texas GCD
- North Texas MWD
- Red River Authority of Texas
- Red River GCD
- Sabine River Authority
- Verona WSC (CCN No. 10184)
- West Leonard WSC (CCN No. 10157)
- Westminster WSC (CCN No. 11014)

- 3) Include copy of a map showing the requested area with the individual notice 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/>.

The Applicant should file a copy of the actual notice and map issued, along with signed affidavit indicating that the notice was given. It is recommended that the Applicant use the attached notices and affidavits to meet these requirements.