

Control Number: 47200



Item Number: 13

Addendum StartPage: 0

DOCKET NO. 47200

**APPLICATION OF UNION GROVE
WATER SUPPLY CORPORATION TO
AMEND A CERTIFICATE OF
CONVENIENCE AND NECESSITY AND
FOR DUAL CERTIFICATION IN
CERTAIN AREAS IN UPSHUR COUNTY**

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**PUBLIC UTILITY COMMISSION
OF TEXAS**

2017 SEP 23 PM 4:43

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

Comes now the Staff ("Staff") of the Public Utility Commission of Texas ("Commission"), representing the public interest, and files its Recommendation on Administrative Completeness in response to Order No. 1. In support thereof, Staff would show the following:

I. Background

On May 23, 2017, Union Grove Water Supply Corporation ("Union Grove" or "Applicant") filed an application ("Application") to amend its water certificate of convenience and necessity (CCN) No. 10514 in Upshur County. Union Grove seeks to add three new areas of service that total approximately 2,212 acres and include 35 current customers. Union Grove seeks to be dually-certificated with the City of East Mountain (the "City") in a portion of the new service area.

On June 28, 2017, the Administrative Law Judge (the "ALJ") issued Order No. 3 deeming the Application insufficient for filing and requiring the Applicant to file supplemental documentation by August 28, 2017. Order No. 3 also instructed Staff to file a sufficiency recommendation by October 6, 2017.

The Applicant made supplemental filings on August 25th and September 25th.

II. Staff's Recommendation

Staff has reviewed Union Grove's supplemental filings, and as detailed by the attached memorandum from Jolie Mathis and Tracy Montes of the Water Utilities Division, Staff recommends that the Application is now sufficient. Staff further recommends that the Applicant issue notice. The attached memorandum includes instructions on issuing notice, and draft notice documents are also attached.

III. Proposed Procedural Schedule

Staff proposes the following procedural schedule:

Event	Deadline
Applicants file with the Commission signed affidavits that notice was provided, along with attached copies of the actual notices and map provided.	November 3, 2017
Staff files comments on proof of notice and additional procedural schedule.	November 17, 2017
Intervention deadline	30 days after mailing of notice

IV. Conclusion

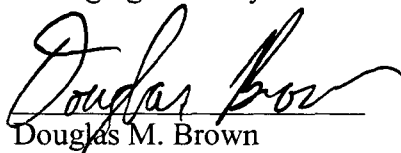
Staff respectfully requests issuance of an order consistent with the above recommendations.

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Stephen Mack
Managing Attorney

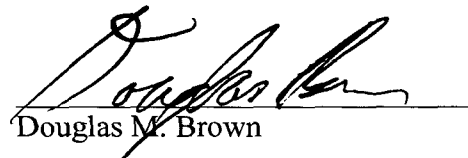


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DOCKET NO. 47200

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on September 29, 2017, in accordance with 16 TAC § 22.74.



Douglas M. Brown

PUC Interoffice Memorandum

To: Douglas Brown, Attorney
Legal Division

Thru: Lisa Fuentes, Manager
Water Utility Regulation Division

From: Jolie Mathis, Utility Engineering Specialist
Water Utility Regulation Division

Date: September 28, 2017

Subject: **Docket 47200**, *Application of Union Grove WSC to Amend a Certificate of Convenience and Necessity and for Dual Certification in Certain Areas in Upshur County*

On May 23, 2017, Union Grove WSC (Applicant or Union Grove) filed with the Public Utility Commission of Texas (Commission) an application to amend its water Certificate of Convenience and Necessity (CCN) No. 10514 in Upshur 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.

On August 25, 2017, the Applicant filed revised maps and digital data accurately removing gaps and overlaps between the requested areas and the City of East Mountain and Union Grove WSC. The overlap between the requested area and a portion of the corporate boundaries of the City of East Mountain was accurately removed. On September 25, 2017, the Applicant filed written consent from the City of Union Grove which resolves the overlap with a portion of the City of Union Groves' corporate boundaries. 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) cities, districts, and neighboring retail public utilities providing the same utility service whose corporate boundaries or certificated service area are located within two miles from the outer boundary of the requested area; and
 - b) the county judge of each county that is wholly or partially included in the requested area; and
 - c) each owner of a tract of land that is at least 25 acres and is wholly or partially included in the requested area. The landowner information may be obtained from the most current tax appraisal rolls of the applicable central appraisal district; and
 - d) publish notice once each week for two (2) consecutive weeks in a newspaper of general circulation in Upshur County.
- 2) Provide notice to the following:
 - City of Clarksville City
 - City of East Mountain
 - City of Gladewater
 - City of White Oak
 - Glenwood WSC
 - Pritchett WSC

- City of Union Grove
- City of Warren City
- Sabine River Authority
- Upper Sabine Valley SWMD
- Upshur County

- 3) Provide an accurate map delineating the requested service area with each individual notice to neighboring utilities, other affected parties, and landowners. Information related to districts including addresses can be obtained by the Applicant from the TCEQ web site located at <http://www14.tceq.texas.gov/iwud/>.
- 4) File in the docket an affidavit specifying every person and entity to whom notice was provided and the date that the notice was provided within 30 days of the date of the notice. In addition, file the publisher's affidavit for proof of newspaper publication. It is recommended that the Applicant use the attached notices and affidavits to meet these requirements.

Notice for Publication

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

Union Grove WSC has filed an application with the Public Utility Commission of Texas to amend its Certificate of Convenience and Necessity for Water CCN No. 10514 and to obtain dual certification with a portion of the City of East Mountain's CCN No. 12972, for the provision of retail water utility service in Upshur County.

The requested area is located approximately 2 to 4 miles north-northeast of downtown Gladewater, Texas, and is generally bounded on the north by the intersection of FM 726 and Bob-O-Link Road; on the east by 250 feet east of Seagull Road; on the south by 100 feet south of Willow Oak Road; and on the west by East Lake Drive.

The total requested area includes approximately 2,190 acres and 35 current customers.

A copy of the map showing the requested area is available at: 11015 Union Grove Rd., Gladewater, TX, 75647

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 78711-3326, or call the Public Utility Commission at (512) 936-7120 or (888) 782-8477. Hearing- and speech-impaired individuals with text telephones (TTY) may contact the 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 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 información en español, puede llamar al 1-888-782-8477.

Notice to Neighboring Systems, Landowners and Cities

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

To: _____
(Neighboring System, Landowner or City)

Date Notice Mailed: _____, 2017

(Address)

(City State Zip)

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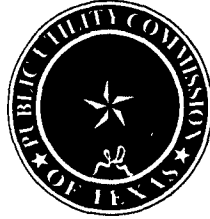
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PUBLIC UTILITY COMMISSION



AFFIDAVIT OF NOTICE TO CURRENT CUSTOMERS, NEIGHBORING UTILITIES AND
AFFECTED PARTIES
DOCKET NO. **47200**

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 _____

PUBLIC UTILITY COMMISSION



PUBLISHER'S AFFIDAVIT
DOCKET NO. **47200**

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 _____