



Control Number: 47230



Item Number: 8

Addendum StartPage: 0

RECEIVED

APPLICATION OF HICKORY §
CREEK SPECIAL UTILITY §
DISTRICT TO AMEND A WATER §
CERTIFICATE OF CONVENIENCE §
AND NECESSITY IN HUNT, FANNIN §
AND COLLIN COUNTIES AND FOR §
PARTIAL DUAL CERTIFICATION §
WITH CITY OF WOLFE CITY §

PUBLIC UTILITY COMMISSION

OF TEXAS

2017 SEP 08 AM 10:30
PUBLIC UTILITY COMMISSION
FILING CLERK

**COMMISSION STAFF'S SUPPLEMENTAL RECOMMENDATION ON
ADMINISTRATIVE COMPLETENESS AND MOTION TO RESTYLE CASE**

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 response to Order No. 2 and Motion to Restyle Case, and would show the following:

I. BACKGROUND

On June 1, 2017, Hickory Creek Special Utility District (HCSUD) filed an application to amend its water Certificate of Convenience and Necessity (CCN) No. 10809 in Hunt and Fannin counties. HCSUD filed supplemental information on August 3, 2017.

On July 6, 2017, Order No. 2 was issued finding the application administratively incomplete and establishing a deadline of September 8, 2017 for Staff to file supplemental comments on the administrative completeness of the application and proposed notice and propose a procedural schedule. This pleading is therefore timely filed.

II. STYLE

HCSUD's August 3 filing indicates that HCSUD has removed the overlap between its CCN and the City of Wolfe City's CCN and that HCSUD is not seeking dual certification with the City of Wolfe City at this time. The maps filed on August 3 also indicate that the areas that HCSUD seeks to add to its CCN are located entirely in Hunt and Fannin Counties. It appears that HCSUD does currently possess certificated service area within Collin County; however, it appears that HCSUD does not propose to alter that area in this proceeding. Staff therefore moves that this proceeding be restyled to remove the reference to partial dual certification with the City of Wolfe

City and to remove the reference to Collin County. Staff has conferred with HCSUD regarding this restyling, and HCSUD does not oppose the restyling of this proceeding.

III. ADMINISTRATIVE COMPLETENESS

As detailed in the attached memorandum from Andrew Novak in the Commission's Water Utility Regulation Division, Staff has reviewed the application and the supplemental information filed by HCSUD and recommends that the application as supplemented be found administratively complete and accepted for filing.

IV. NOTICE

As detailed in the attached memorandum, Staff recommends that HCSUD be directed to use the attached notice forms to publish notice once each week for two (2) consecutive weeks in a newspaper of general circulation in Hunt and Fannin Counties and to provide notice to:

- 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;
- 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) the following entities:
 - Jacobia WSC, CCN No. 11417,
 - North Hunt SUD, CCN No. 11206,
 - Arledge Ridge WSC, CCN No. 10175,
 - Caddo Basin SUD, CCN No. 10165,
 - City of Greenville, CCN No. 10836,
 - City of Wolfe City, CCN No. 10853,
 - North Hunt SUD, CCN No. 11206,
 - Sulphur River Basin Authority,

- Sabine River Authority,
- Red River Authority of Texas,
- Greater Texoma Utility Authority,
- The City of Bailey,
- The City of Celeste,
- Red River Ground Water Conservation District,
- Judge John Horn of Hunt County, and
- Judge Creta L. Carter II of Fannin County.

Staff further recommends that HCSUD be directed to include a copy of a map showing the proposed service area with the individual notices to neighboring utilities, other affected parties, and each landowner. Staff also recommends that HCSUD be directed to use the attached affidavits to file proof of notice according to the procedural schedule proposed below.

V. PROCEDURAL SCHEDULE

Staff recommends the application be found administratively complete. Staff therefore proposes the following procedural schedule:

Event	Date
Deadline for HCSUD 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	October 23, 2017
Deadline for Staff to file a recommendation on sufficiency of notice	Within 10 days of HCSUD filing proof of completed notice with the Commission
Deadline to intervene	30 days after notice is issued

VI. CONCLUSION

For the reasons detailed above, Staff recommends that this docket be restyled to remove the reference to partial dual certification with the City of Wolfe City and to remove the reference to Collin County. Additionally, Staff recommends that the application be found administratively

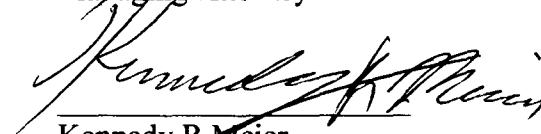
complete, that HCSUD be directed to provide notice as detailed above and in the attached memorandum, and that the procedural schedule proposed above be adopted.

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF
TEXAS LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Katherine Lengieza Gross
Managing Attorney

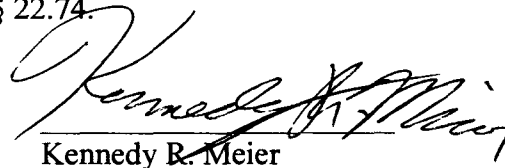


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(512) 936-7265
(512) 936-7268 (facsimile)
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DOCKET NO. 47230

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on this the 8th of September, 2017 in accordance with 16 TAC § 22.74.



Kennedy R. Meier

PUC Interoffice Memorandum

To: Kennedy Meier, Attorney
Legal Division

Through: Lisa Fuentes, Manager
Water Utility Regulation Division

From: Andrew Novak, Financial Analyst
Water Utility Regulation Division

Date: September 8, 2017

Subject: **Docket No. 47230:** *Application of Hickory Creek Special Utility District to Amend a Water Certificate of Convenience and Necessity in Hunt, Fannin, and Collin Counties and for Partial Dual Certification with City of Wolfe City.*

On June 1, 2017, Hickory Creek Special Utility District (Applicant) filed with the Public Utility Commission of Texas (Commission) an application to amend water Certificate of Convenience and Necessity (CCN) No. 10809 pursuant to Texas Water Code Ann. (TWC), §§ 13.242 to 13.250 and the 16 Tex. Admin Code (TAC) §§ 24.101 to 24.107. The Applicant is not seeking dual certification with the City of Wolfe City. The requested area includes approximately 9074 acres and 42 customers in Fannin and Hunt Counties.

On August 3, 2017, the Applicant filed additional information in response to Commission Order No. 2. Staff has reviewed the information and recommends the application be deemed administratively complete and sufficient for filing. 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 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 Hunt and Fannin Counties.
- 2) Provide notice of the application to the following:
 - Jacobia WSC, CCN No. 11417
 - North Hunt SUD, CCN No. 11206
 - Arledge Ridge WSC, CCN No. 10175
 - Caddo Basin SUD, CCN No. 10165
 - City of Greenville, CCN No. 10836
 - City of Wolfe City, CCN No. 10853
 - North Hunt SUD, CCN No. 11206

- Sulphur River Basin Authority
 - Sabine River Authority
 - Red River Authority of Texas
 - Greater Texoma Utility Authority
 - The City of Bailey
 - The City of Celeste
 - Red River Ground Water Conservation District
 - Judge John Horn of Hunt County
 - Judge Creta L. Carter II of Fannin County
- 3) Include a map showing the requested 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) 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 FANNIN AND HUNT
COUNTIES, TEXAS**

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

(Address)

(City State Zip)

Date Notice Mailed: ____, 2017

Hickory Creek Special Utility District has submitted an application with the Public Utility Commission of Texas to amend its water CCN No. 10809 in Fannin and Hunt Counties.

Northern Area near Wolfe City:

The proposed utility service area is located approximately 1.2 miles northwest of downtown Wolfe City, TX, and is generally bounded on the north by State Highway 11; on the east by State Highway 11; on the south by FM 816; and on the west by State Highway 78.

The total area being requested includes approximately 4835 acres and 14 current customers.

Middle Area near City of Celeste:

The proposed utility service area is located approximately .4 mile north, east, and south of downtown Celeste, TX, and is generally bounded on the north by CR 1148; on the east by CR 1042; on the south by CR 1089; and on the west by CR 1091.

The total area being requested includes approximately 1698 acres and 3 current customers.

Southern Area near South Sulphur, TX

The proposed utility service area is located approximately 1.7 mile southwest of South Sulphur, TX, and is generally bounded on the north by .4 mile north of FM 118; on the east by South Sulphur River; on the south by CR 1306; and on the west by SH 34.

The total area being requested includes approximately 2541 acres and 25 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.

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.

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. 47230

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 HUNT AND FANNIN,
COUNTIES, TEXAS**

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The total area being requested includes approximately 2541 acres and 25 current customers.

A copy of the map may be viewed at: 102 N. US Hwy 69, Celeste, TX, 75423, 903-568-4760.

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



PUBLISHER'S AFFIDAVIT
DOCKET NO. 47230

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 _____