



Control Number: 47268



Item Number: 9

Addendum StartPage: 0

DOCKET NO. 47268

**APPLICATION OF RPM WATER
SUPPLY CORPORATION TO AMEND A
WATER CERTIFICATE OF
CONVENIENCE AND NECESSITY IN
HENDERSON AND VAN ZANDT
COUNTIES**

§
§
§
§
§

**PUBLIC UTILITY COMMISSION
OF TEXAS**

RECEIVED
2017 AUG 23 PM 3:41
15-1-1-6234

**COMMISSION STAFF'S RECOMMENDATION ON SUFFICIENCY OF
APPLICATION AND RECOMMENDATION TO RESTYLE DOCKET**

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

I. BACKGROUND

On June 7, 2017, RPM Water Supply Corporation (RPM WSC) filed an application to amend water certificate of convenience and necessity number 10787 in Van Zandt County. The total new service area being requested includes approximately 22 acres and 11 current customers. In Order No. 2, issued July 10, 2017, Staff was ordered to file a recommendation on the administrative completeness of the application by August 23, 2017. This pleading is therefore timely filed.

II. RECOMMENDATION ON ADMINISTRATIVE SUFFICIENCY

Staff has reviewed the City's application and recommends it be found sufficient for filing, as supported by the attached memorandum of Debbie Reyes Tamayo of the Water Utilities Division (Attachment A). The Applicant should be ordered to provide notice and proof of that notice using the forms (Attachment B) and in the manner detailed in the attached memorandum.

III. RECOMMENDATION ON STYLE

The Application listed both Henderson and Van Zandt Counties as areas for which service is proposed. However, after an analysis of the application and maps, Staff finds that the proposed additional service area is solely within Van Zandt County. Staff therefore recommends that this Application be restyled to: *Application of RPM Water Supply Corporation to Amend a Water*

Certificate of Convenience and Necessity in Van Zandt County. Staff's proposed notice includes this change already.

IV. PROPOSED PROCEDURAL SCHEDULE

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

Event	Date
Deadline for Applicant 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 6, 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 to intervene	30 days after notice is issued

V. CONCLUSION

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

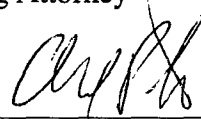
Dated: August 23, 2017

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF
TEXAS LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

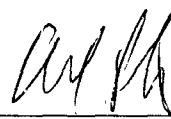
Karen S. Hubbard
Managing Attorney



Alexander Petak
State Bar No. 24088216
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7377
(512) 936-7268 (facsimile)
Alexander.Petak@puc.texas.gov

**DOCKET NO. 47268
CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record August 23, 2017, in accordance with 16 Texas Admin. Code § 22.74.



Alexander Petak

ATTACHMENT A

PUC Interoffice Memorandum

To: Alexander Petak, Attorney
Legal Division

Thru: Lisa Fuentes, Manager
Water Utility Regulation Division

From: Debbie Reyes Tamayo, Program Specialist
Water Utility Regulation Division

Date: August 18, 2017

RE: **Docket No. 47268:** *Application of RPM Water Supply Corporation to Amend a Water Certificate of Convenience and Necessity in Henderson and Van Zandt Counties*

On June 7, 2017, RPM Water Supply Corporation (Applicant or RPM WSC) filed an application to amend its water Certificate of Convenience and Necessity (CCN) No. 10787 in Van Zandt County. The application is being reviewed 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 requested area includes approximately 22 acres and 11 current customers.

A Staff review of the additional information filed by the applicant on July 25, 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;
 - d) landowners who own a tract of land that is at least 25 acres and is wholly or partly located in the requested 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 requested CCN is located; and
 - e) publish notice once each week for two (2) consecutive weeks in a newspaper of general circulation in Van Zandt County.
- 2) Provide correct notice of the application to the following entities:
 - City of Edom
 - Ben Wheeler WSC (CCN No. 10749)
 - Edom WSC (CCN No. 10747)
 - Angelina & Neches River Authority
 - Van Zandt County Waste Disposal District
 - Van Zandt County Judge

- 3) Include copy of a map showing the proposed service 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 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/>.

Within 30 days of the Commission order, the Applicant should 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 notices and affidavits to meet these requirements.

ATTACHMENT B

Notice for Publication

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

RPM Water Supply Corporation (RPM WSC) has filed an application with the Public Utility Commission of Texas to amend its Certificate of Convenience and Necessity for CCN No. 10787 for the provision of retail water utility service in Van Zandt County.

The requested area is located approximately 2.6 miles northeast of downtown Edom and is generally bounded on the north by SH 64; on the east by CR 4929; on the south by CR 4810; and on the west by CR 4807.

The total requested area includes approximately 22 acres and 11 current customers

The requested area overlaps the boundaries of the following districts. If the following districts do not request a public hearing, the Commission shall determine that the districts are consenting to the RPM WSC's request to provide retail water utility service in the requested area.

- Angelina & Neches River Authority
- Van Zandt County Waste Disposal District

A copy of the map showing the requested area is available at: 5765 State Highway 64, Ben Wheeler TX 75754-4372, (903)883-6445.

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 AMEND A CERTIFICATE OF CONVENIENCE
AND NECESSITY (CCN) TO PROVIDE WATER UTILITY SERVICE IN VAN
ZANDT COUNTY**

To: _____
(Neighboring System, Landowner or City)

Date Notice Mailed: _____, 2017

(Address)

(City State Zip)

RPM Water Supply Corporation (RPM WSC) has filed an application with the Public Utility Commission of Texas to amend its Certificate of Convenience and Necessity for CCN No. 10787 for the provision of retail water utility service in Van Zandt County.

The requested area is located approximately 2.6 miles northeast of downtown Edom and is generally bounded on the north by SH 64; on the east by CR 4929; on the south by CR 4810; and on the west by CR 4807.

The total requested area includes approximately 22 acres and 11 current customers

The requested area overlaps the boundaries of the following districts. If the following districts do not request a public hearing, the Commission shall determine that the districts are consenting to the RPM WSC's request to provide retail water utility service in the requested area.

- Angelina & Neches River Authority
- Van Zandt County Waste Disposal District

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.

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.

PUBLIC UTILITY COMMISSION



AFFIDAVIT OF NOTICE TO LANDOWNERS, NEIGHBORING UTILITIES AND AFFECTED PARTIES DOCKET NO. 47268

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.

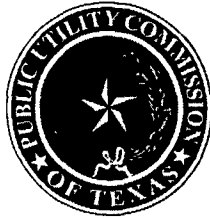
Subscribed and sworn to before me this _____ day of _____, 20____, to
certify which witness my hand and seal of office.

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. 47268

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 _____