

Control Number: 47398



Item Number: 20

Addendum StartPage: 0

RECEIVED

**Notice for Publication**

2018 APR 25 PM 3:41  
NOTICE OF APPLICATION TO OBTAIN A WATER AND SEWER CERTIFICATE OF  
CONVENIENCE AND NECESSITY (CCN) AND TO CANCEL A WATER CCN IN LLANO  
PUBLIC UTILITY COMMISSION AND BURNET COUNTY, TEXAS  
FILING CLERK

Horseshoe Bay Water Utility has filed an application with the Public Utility Commission of Texas to obtain a water and sewer CCN, and to cancel Deerhaven Inc.'s water CCN No. 10467 in Llano and Burnet Counties.

The proposed water and sewer utility service area is located approximately up to 4 miles north, south, east, and west of downtown City of Horseshoe Bay, Texas, and is generally bounded on the north by Lake Lyndon B. Johnson and Burnet/Llano County Line; on the east by US 281; on the south by SH 71; and on the west by CR 311.

The total area being requested includes approximately 10.435 acres and 3,457 current customers.

A copy of the map showing the requested area is available at:

*h + f p s : // w w w . h o r s e s h o e - b a y - t x . g o v / D O C U M E N T C E N T E R / V I E W / 1 8 3 0*

The requested area overlaps the boundaries of the Central Texas GCD. If the district does not request a public hearing, the Commission shall determine that the district is consenting to the Horseshoe Bay Water Utility's request to provide retail water and sewer utility services within the area requested in this application.

*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 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. 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.

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.

# PUBLIC UTILITY COMMISSION



## AFFIDAVIT OF NOTICE TO NEIGHBORING UTILITIES AND CITIES

DOCKET NO. 47398

STATE OF TEXAS COUNTY OF LLANO/BURNET has provided individual  
notice to the following entities:

SEE ATTACHED ADDRESS  
LIST

DATE OF NOTICE

### OATH

I, Jeffrey A. Koska, being duly sworn, file this form as  
Director of Utilities City of Horseshoe (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 forth therein are true and correct.

[Signature]  
Applicant's Authorized Representative

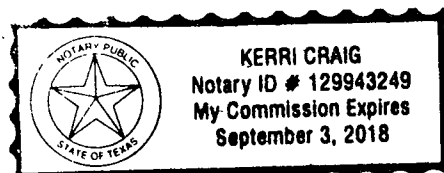
If the applicant to this form is any person other than the sole owner, partner, officer of the applicant,  
or its attorney, a properly verified Power of Attorney must be enclosed.

Subscribed and sworn to before me this 20th day of April, 2018,  
to certify which witness my hand and seal of office.

[Signature]  
Notary Public in and for the State of Texas

Kerri Craig  
Print or Type Name of Notary Public

Commission Expires 9/3/2018



Aqua Utilities Inc.  
Attn: Glen Lewis  
1106 Clayton Lane, Suite 400W  
Austin, Texas 78723-2476

City of Sunrise Beach Village  
Patricia E. Frain, Mayor  
124 Sunrise Drive  
Sunrise Beach, Texas 78643-9283

HOLLAND TRAVIS A & STACY E  
PHOENIX CENTER (THE) PO BOX 732  
MARBLE FALLS, TX 78654

Judge James Oakley  
Burnet County Judge  
220 Pierce Street  
Burnet, Texas 78611

Corix Utilities Texas Inc.  
P.O. Box 140164  
Austin, Texas 78714

BROWN BILLIE J  
PO BOX 8170  
HORSESHOE BAY, TX 78657-8170

Burnet County MUD 3  
Craig L Seward, President  
816 Congress Avenue, Suite 1900  
Austin, Texas 78701-2478

Deerhaven Inc.  
P.O. Box 475  
Llano, Texas 78643-475

WISE CARROL AND WONG JERRY  
C/O DAVID WISE TRUSTEE  
PO BOX 1102  
FRIENDSWOOD, TX 77549

Central Texas GCD  
William Lee Felps, President  
P.O. Box 37  
Burney, Texas 78611-0037

Deerhaven WCID  
James W. Maughan, President  
310 Deer Hollow Drive  
Horseshoe Bay, Texas 78657-7202

SUMMIT ROCK COMMUNITIES LLC  
PO BOX 7766  
HORSESHOE BAY, TX 78657

Channel Oaks Water System  
Attn: Bryan Maxey  
4533 N. Versailles Avenue  
Dallas, Texas 75205-3014

Horseshoe Bay WCID 1  
Mike Willatt, Attorney  
2001 North Lamar  
Austin, Texas 78705-5211

HSB PROPERTY OWNERS ASSOC  
PO BOX 7766  
HORSESHOE BAY, TX 78657

City of Cottonwood Shores  
Attn: Jerrial Wafer  
3808 Cottonwood Drive  
Cottonwood Shores, TX 78654

Horseshoe Bay WCID 3  
Mike Willatt, Attorney  
2001 North Lamar  
Austin, Texas 78705-5211

HORSESHOE BAY RESORT  
DESTINATIONS, LLC  
PO BOX 7766  
HORSESHOE BAY, TX 78657

City of Granite Shoals  
P.O. Box 2580  
Marble Falls, Texas 78654-2678

Llano County MUD 1  
Rod Bond, President  
2900 Blue Lake Drive  
Horseshoe Bay, Texas 78657-5929

HORSESHOE BAY RESORT  
DEVELOPMENT, LLC  
PO BOX 7766  
HORSESHOE BAY, TX 78657

City of Highland Haven  
Attn: Peter E. Freehill  
P.O. Box 790  
Marble Falls, Texas 78654-790

Judge Mary S. Cunningham  
Llano County Judge  
801 Ford Street  
Llano, Texas 78643

POST RAIL BUILDER LLC  
1110 POST OAK PLACE  
WESTLAKE, TX 76262

City of Marble Falls  
800 3<sup>rd</sup> Street  
Marble Falls, Texas 78654-5728

Lower Colorado River Authority  
Timothy Timmerman, President  
3700 Lake Austin Boulevard  
Austin, Texas 78703-3504

SUGG DONNA SUE  
1414 MOUNTAIN DEW RD  
HORSESHOE BAY, TX 78657

City of Meadowlakes  
177 Broadmoor, Suite A  
Meadowlakes, Texas 78654

Wilderness Cove Water Company  
115 Wilderness Drive  
Marble Falls, Texas 78654-3639

EILEEN M HURD TRUSTEE  
PO BOX 7780  
HORSESHOE BAY, TX 78657

EILEEN M HURD TRUSTEE  
PO BOX 7780  
HORSESHOE BAY, TX 78657

SAHAI SUBHASH  
709 WHITE POST DRIVE  
WEBSTER CITY, IA 50595-0595

MIDCOM MANAGEMENT LLC  
PO BOX 7902  
HORSESHOE BAY, TX 78657

SALEM GLENN TRUSTEE  
300 THE HILLS RD  
HORSESHOE BAY, TX 78657-8657

LAKE LBJ IMPROVEMENT CORP  
PO BOX 7752  
HORSESHOE BAY, TX 78657-8657

CITY OF HORSESHOE BAY  
PO BOX 7765  
HORSESHOE BAY, TX 78657

SUMMIT ROCK COMMUNITIES LLC  
PO BOX 7766  
HORSESHOE BAY, TX 78657

HORSESHOE BAY RESORT  
DEVELOPMENT, LLC  
PO BOX 7766  
HORSESHOE BAY, TX 78657

MIDCOM MANAGEMENT LLC  
PO BOX 7902  
HORSESHOE BAY, TX 78657

EOL RANCH LTD  
% THE TRAILS OF HSB POA INC  
1806 RANCH ROAD 2831  
HORSESHOE BAY, TX 78657

SUMMIT ROCK COMMUNITIES LLC  
PO BOX 7766  
HORSESHOE BAY, TX 78657

SUMMIT ROCK COMMUNITIES LLC  
PO BOX 7766  
HORSESHOE BAY, TX 78657

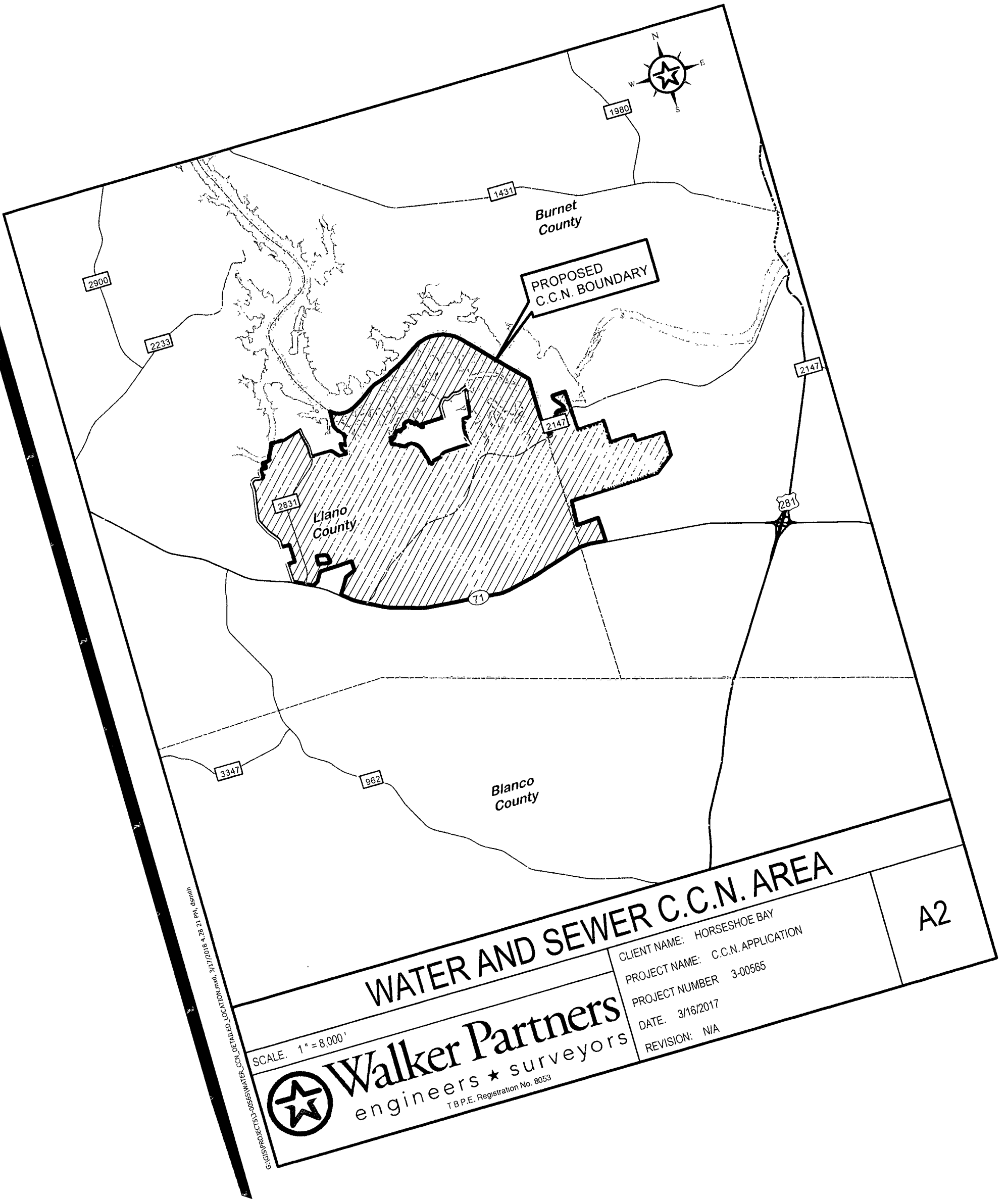
EOL RANCH LTD  
% THE TRAILS OF HSB POA INC  
1806 RANCH ROAD 2831  
HORSESHOE BAY, TX 78657

HORSESHOE BAY RESORT  
DEVELOPMENT, LLC  
PO BOX 7766  
HORSESHOE BAY, TX 78657

HORSESHOE BAY RESORT  
DEVELOPMENT, LLC  
PO BOX 7766  
HORSESHOE BAY, TX 78657

HORSESHOE BAY RESORT  
DEVELOPMENT, LLC  
PO BOX 7766  
HORSESHOE BAY, TX 78657

% TUSCAN VILLAGE SUMMIT ROCK GP  
LLC  
2101 LAKEWAY BLVD, STE 100  
AUSTIN, TX 78734



SCALE. 1" = 8,000'  
S:\GIS\PROJECTS\3-00565\HORSESHOE BAY\DWG\3-00565-01.DWG  
3/16/2017 4:28:21 PM, dsmith

# Highland Lakes Newspapers

*The Highlander – Burnet Bulletin*

304-A Highlander Circle, PO Box 1000  
Marble Falls, TX 78654-1000  
(830) 693-4367

## PUBLISHER'S AFFIDAVIT

STATE OF TEXAS

COUNTY OF BURNET

Before me, the undersigned authority, on this day personally appeared

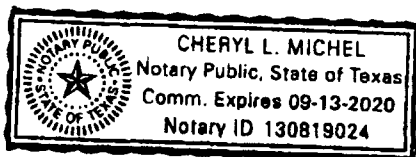
Kim Green who being by me duly sworn, deposes and  
(name)  
says that (s)he is a bona fide representative of the Highlander;  
(name of newspaper)  
that said newspaper is regularly published in Burnet County(ies)  
and generally circulated in Burnet / Llano County(ies),

Texas, and that the attached public notice was published in said newspaper on the following

date(s), to wit: 3-30-18,  
and that the attached is a true copy of said notice.

[Signature]  
Newspaper Representative's Signature

Subscribed and sworn to before me this 30th day of March, 2018, to certify which witness  
my hand and seal of office.



[Signature]  
Notary Public in and for the State of Texas

Cheryl L. Michel  
Print or Type Name of Notary Public

My Commission Expires: 9/13/2020



## PUBLIC NOTICE

Docket No. 47398

### Notice for Publication

NOTICE FOR THE SALE OF LAND BELONGING TO THE STATE OF TEXAS  
FOR THE PURPOSES OF ISSUING A BOND AND AN OVERCROWDING  
BOND IN THE COUNTY OF TARRANT.

### ORDINANCE 2018-074A

AN ORDINANCE AMENDING THE 2017 FISCAL YEAR  
GET BY ALTERING REVENUES AND EXPENDITURES  
FOR THE GENERAL FUND PROPRIETARY FUND  
ECONOMIC DEVELOPMENT CORPORATION FUND  
SPECIAL REVENUE FUNDS AND CAPITAL PROJECT  
FUNDS

## REQUEST FOR PROPOSALS

# Highland Lakes Newspapers

*The Highlander – Burnet Bulletin*

304-A Highlander Circle, PO Box 1000  
Marble Falls, TX 78654-1000  
(830) 693-4367

## PUBLISHER'S AFFIDAVIT

STATE OF TEXAS

COUNTY OF BURNET

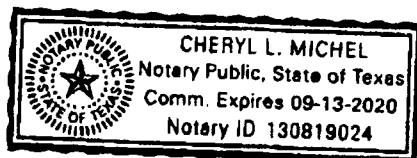
Before me, the undersigned authority, on this day personally appeared

Kim Green who being by me duly sworn, deposes and  
(name)  
says that (s)he is a bona fide representative of the Highlander;  
(name of newspaper)  
that said newspaper is regularly published in Burnet County(ies)  
and generally circulated in Burnet/Llano County(ies),

Texas, and that the attached public notice was published in said newspaper on the following  
date(s), to wit: 4-6-18  
and that the attached is a true copy of said notice.

[Signature]  
Newspaper Representative's Signature

Subscribed and sworn to before me this 6th day of April, 2018, to certify which witness  
my hand and seal of office.



Cheryl L. Michel  
Notary Public in and for the State of Texas

Cheryl L. Michel  
Print or Type Name of Notary Public

My Commission Expires: 9/13/2020



Call 830-693-4367 or 512-756-6136

OR email c.michel@highlandernews.com or insidesales@highlandernews.com

DEADLINE IS TUESDAY AT 3 PM FOR DISPLAY ADS • WEDNESDAY AT 12 PM FOR LINE ADS

**LIVESTOCK**

Livestock Mink

**RENTALS**

House for Rent

**RENTALS**

Apartment

Duplexes for Rent

MARBLE FALLS  
2BR 2BA Duplex  
50 KVA units  
shaded ceilings  
close to West Side  
Park 5.90mo TJM  
Realty Group 430  
693 1100 tjrgroup.com

**Business Rentals**

TJM Realty Group

MARBLE FALLS  
2BR Luxury Duplex  
as granite counter  
tops custom  
cabinets garage  
with opener from  
\$1100mo TJM Realty  
Group 830 693  
1100 tjrgroup.com

MARBLE FALLS  
1BR Crowside  
Apartment non  
renterly located  
near shopping and  
HEB great value  
\$575mo TJM Realty  
Group 830 693  
1100 tjrgroup.com

**PUBLIC NOTICE**

**PUBLIC NOTICE**

TJM Realty Group

MARBLE FALLS  
Huge 2BR Apartment  
over 900  
sq. ft. perfect for  
the budgeted from  
\$500mo TJM Realty  
Group 830 693  
1100 tjrgroup.com

**Townhome Condo Rentals**

TJM Realty Group

**ORDINANCE 17001**

AN ORDINANCE OF THE CITY OF TOWNWOOD SMOOKS BURNET COUNTY TEXAS, CLARIFYING RULES, REGULATIONS AND REQUIREMENTS FOR WATER AND WASTEWATER/SEWER SERVICES WITHIN THE CERTIFICATE OF CONVENIENCE AND NECESSITY AREA ISSUED BY THE TEXAS WATER COMMISSION, PROVIDING AN END TO EFFECTIVE DATE, SEVERABILITY, PENALTIES, SEVERABILITY AND OPEN MEETINGS CLAUSES AND OTHER RELATED MATTERS.

**ORDINANCE 17002**

AN ORDINANCE RELATED TO SOLID WASTE GARBAGE COLLECTIONS, CLARIFYING CERTAIN CONTRACT PROVISIONS, ESTABLISHING FINES AND FEES, PROVIDING A PENALTY FOR DELINQUENT PAYMENTS, PROVIDING SEVERABILITY, REPEALING ALL PRIOR ORDINANCES IN CONFLICT AND CONTAINING OTHER PROVISIONS RELATING TO SOLID WASTE GARBAGE COLLECTION SERVICES.

**PUBLIC NOTICE**

REQUEST FOR PROPOSAL  
FOR  
GENERAL MARKETING AND TOURISM PROMOTION

The City of Marble Falls is seeking proposals for a general marketing and tourism promotion project. The project includes developing a comprehensive marketing strategy, creating promotional materials, and implementing a series of marketing activities to attract visitors to the city. The project is estimated to cost \$100,000.00. The City is seeking proposals from qualified individuals or companies who have experience in the field of marketing and tourism promotion. The City is interested in proposals that are creative, innovative, and cost-effective. The City is also interested in proposals that include a detailed timeline and budget. The City is seeking proposals by Tuesday, April 10, 2018, at 3:00 PM. The City is located at 800 3rd Street, Marble Falls, Texas 78654. The City's website is www.marblefalls.org. The City's contact information is: City of Marble Falls, Attn: Christina McDonald, City Secretary, 800 3rd Street, Marble Falls, Texas 78654. The City's phone number is 830 693 1100. The City's fax number is 830 693 1101. The City's email address is c.michel@highlandernews.com. The City's website is www.marblefalls.org. The City's contact information is: City of Marble Falls, Attn: Christina McDonald, City Secretary, 800 3rd Street, Marble Falls, Texas 78654. The City's phone number is 830 693 1100. The City's fax number is 830 693 1101. The City's email address is c.michel@highlandernews.com.

**Notice for Publication**

THE CITY OF MARBLE FALLS, TEXAS, HAS ADOPTED THE FOLLOWING ORDINANCE:

ORDINANCE 17001

AN ORDINANCE OF THE CITY OF TOWNWOOD SMOOKS BURNET COUNTY TEXAS, CLARIFYING RULES, REGULATIONS AND REQUIREMENTS FOR WATER AND WASTEWATER/SEWER SERVICES WITHIN THE CERTIFICATE OF CONVENIENCE AND NECESSITY AREA ISSUED BY THE TEXAS WATER COMMISSION, PROVIDING AN END TO EFFECTIVE DATE, SEVERABILITY, PENALTIES, SEVERABILITY AND OPEN MEETINGS CLAUSES AND OTHER RELATED MATTERS.

ORDINANCE 17002

AN ORDINANCE RELATED TO SOLID WASTE GARBAGE COLLECTIONS, CLARIFYING CERTAIN CONTRACT PROVISIONS, ESTABLISHING FINES AND FEES, PROVIDING A PENALTY FOR DELINQUENT PAYMENTS, PROVIDING SEVERABILITY, REPEALING ALL PRIOR ORDINANCES IN CONFLICT AND CONTAINING OTHER PROVISIONS RELATING TO SOLID WASTE GARBAGE COLLECTION SERVICES.

**For more news**  
visit us at **www.highlandernews.com**

**NEED EMPLOYEES???**  
Advertise the positions you need to fill here!

**DOCKET NO. 47398**

**PETITION OF HORSESHOE BAY** § **2:13**  
**WATER UTILITY FORA WATER** § **PUBLIC UTILITY COMMISSION**  
**CERTIFICATE OF CONVENIENCE** § **OF TEXAS**  
**AND NECESSITY IN LLANO AND** §  
**BURNET COUNTIES** §

**COMMISSION STAFF'S RECOMMENDATION ON ADMINISTRATIVE  
COMPLETENESS AND PETITION TO REVOKE THE CERTIFICATE OF  
CONVENIENCE AND NECESSITY OF DEERHAVEN, INC. AND NOTICE OF  
OPPORTUNITY FOR A HEARING**

**COMES NOW** the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest and files this Commission Staff's Recommendation on Administrative Completeness and Petition to Revoke the Certificate of Convenience and Necessity of Deerhaven, Inc. and Notice of Opportunity for a Hearing. In support thereof, Staff shows the following:

**I. BACKGROUND**

On July 12, 2017, Horseshoe Bay Water Utility (Horseshoe Bay) filed an application to obtain a water certificate of convenience and necessity (CCN) and a sewer CCN in Llano and Burnet Counties. On December 22, 2017, Horseshoe Bay amended its application to include a request to decertify and cancel Deerhaven Inc.'s water CCN No. 10467. Horseshoe Bay alleges that Deerhaven Inc.'s CCN No. 10467 is no longer active and was replaced by Deerhaven Water Conservation and Improvement District (CCN No. 13180) in 2010.<sup>1</sup>

Order No. 5, issued February 13, 2018, required Staff to file a recommendation by March 1, 2018. Therefore, this pleading is timely filed.

**II. JURISDICTION AND LEGAL AUTHORITY**

A CCN is defined as a "permit issued by the commission which authorizes and obligates a retail public utility to furnish, make available, render, or extend continuous and adequate retail water or sewer utility service to a specified geographic area."<sup>2</sup> A retail public utility is "[a]ny

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<sup>1</sup> Horseshoe Bay's Request\_ to Decertify and Cancel Deerhaven Inc.'s CCN (Dec. 22, 2017).

<sup>2</sup> 16 Tex. Admin. Code§ 24.3(15) (TAC).

person, corporation, public utility, water supply or sewer service corporation, municipality, political subdivision or agency operating, maintaining, or controlling in this state facilities for providing potable water service or sewer service, or both, for compensation. "<sup>3</sup> A retail public utility that possesses a CCN is required to provide "continuous and adequate service."<sup>4</sup>

A retail public utility that possesses a CCN and fails to provide continuous and adequate service may be subject to revocation.<sup>5</sup> The Commission is authorized to regulate and supervise the business of each water and sewer utility within its jurisdiction.<sup>6</sup> As part of this authority, the Commission, "after notice and hearing, may revoke or amend any" CCN if the Commission finds that "the certificate holder has never provided, is no longer providing, is incapable of providing, or has failed to provide continuous and adequate service in the area, or part of the area, covered by the certificate."<sup>7</sup>

Pursuant to the contested case provisions of the Administrative Procedure Act,<sup>8</sup> a party is entitled to an opportunity for a hearing after reasonable notice of not less than ten days, where the party may respond to and present evidence and argument on each issue involved in the case.<sup>9</sup> If a hearing is not requested within thirty days after service of notice of an opportunity for hearing, a default occurs.<sup>10</sup> Upon default, the presiding officer may issue a default order, revoking the certificate without a hearing on an informal basis.<sup>11</sup>

### **III. FACTUAL ALLEGATIONS**

Deerhaven Inc. is a retail public utility in Llano County, Texas that holds CCN No. 10467. Deerhaven Inc. forfeited its existence as a Texas corporation on January 9, 1989, does not

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<sup>3</sup> 16 TAC§ 24.3(58).

<sup>4</sup> Tex. Water Code§ 13.250 (TWC) and 16 TAC§ 24.114.

<sup>5</sup> TWC § 13.254(a)(1).

<sup>6</sup> TWC § 13.041. See also, House Bill 1600 and Senate Bill 567 83<sup>rd</sup> Legislature, Regular Session, which transferred the functions relating to the economic regulation of water and sewer utilities from the Texas Commission on Environmental Quality to the Public Utility Commission effective September 1, 2014.

<sup>7</sup> TWC § 13.254(a)(1).

<sup>8</sup> Administrative Procedure Act, Tex. Gov't Code§§ 2001.001-.902 (APA).

<sup>9</sup> APA§ 2001.051.

<sup>10</sup> 16 TAC§ 22.183.

<sup>11</sup> APA§ 2001.056(4) and 16 TAC§ 22.183.

have an active public water supply, and is not providing water service to the area covered by CCN No. 10467.

#### **IV. RECOMMENDATION FOR REVOCATION**

The Commission should revoke Deerhaven Inc.'s CCN No. 10467, as Deerhaven Inc. has forfeited its status as a Texas corporation, and is incapable of providing continuous and adequate service. Horseshoe Bay is seeking to acquire the service territory, and revoking CCN No. 10467 will allow Horseshoe Bay to more easily complete the process to obtain a CCN.

For the above stated reasons, Commission Staff recommends revocation of CCN NO. 10467 pursuant to TWC § 13.254 and 16 TAC§ 24.113.

#### **V. NOTICE OF OPPORTUNITY FOR HEARING**

Commission Staff is required to provide reasonable notice to persons affected by a proceeding in accordance with the Administrative Procedure Act.<sup>12</sup> In license revocation proceedings, it is required that notice be given "by personal service or by registered or certified mail to the license holder of facts or conduct alleged to warrant the intended action."<sup>13</sup> In order to proceed on a default basis, 16 TAC § 22.183 requires Commission Staff to provide notice by certified mail, return receipt requested, to a certificate holder's last known address in the Commission's records or to the person's registered agent for process on file with the Secretary of State. In the event that the party does not have an address in the Commission's records or a registered agent on file with the Secretary of State, Commission Staff may provide notice to "an address for the party identified after reasonable investigation."<sup>14</sup>

Commission Staff will provide a copy of this request by certified mail, return receipt requested, to the last known address of Deerhaven, Inc. in the Commission's records:

Deerhaven Inc.  
PO Box 475  
Llano, Texas 78643

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<sup>12</sup> 16 TAC §§ 22.54, 22.55.

<sup>13</sup> APA § 2001.054(c).

<sup>14</sup> 16 TAC 22.183(b)(2)(C)

Commission Staff will also provide a copy of this request by certified mail, return receipt requested, to Deerhaven Inc's registered agent as listed on the Texas Secretary of State's website:

Wade Hutto  
200W. Luce  
Llano, Texas 78643

Pursuant to 16 TAC § 22.183, Commission Staff hereby notifies Deerhaven Inc. that the factual allegations contained in this petition could be deemed admitted and the relief sought herein granted by default if Deerhaven Inc. fails to request a hearing within 30 days after service of the Petition. The purpose of a hearing on the merits is to consider revocation of CCN No. 10467.

**The factual allegations listed in Commission Staff's Petition and Notice of Opportunity for a Hearing could be deemed admitted and the relief sought herein could be granted by default if you fail to timely request a hearing.**

#### **VI. RECOMMENDATION ON ADMINISTRATIVE COMPLETENESS OF HORSESHOE BAY'S APPLICATION FOR A WATER AND SEWER CCN**

As detailed in the attached memorandum from Elisabeth English of the Water Utilities Division, Staff has reviewed Horseshoe Bay's application and recommends that the application be found administrative complete. Staff recommends that Horseshoe Bay be directed to use the attached notice forms to provide notices as detailed in Ms. English's attached memorandum. Staff further recommends that Horseshoe Bay be directed to file a copy of the actual notice issued and a fully executed affidavit of notice, using the attached draft affidavit.

## **VII. PROCEDURAL SCHEDULE**

Staff recommends that the application be found administratively complete. Therefore, Staff proposes the following procedural schedule:

<b>Event</b>	<b>Date</b>
Deadline for Horseshoe Bay to file proof of notice with the Commission	April 27, 2018
Deadline for Staff to file a recommendation on sufficiency of notice	May 9, 2018
Deadline to intervene	30 days after notice is issued

## **VIII. CONCLUSION**

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



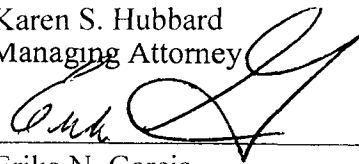
Date: March 1, 2018

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Margaret Uhlig Pemberton  
Division Director

Karen S. Hubbard  
Managing Attorney

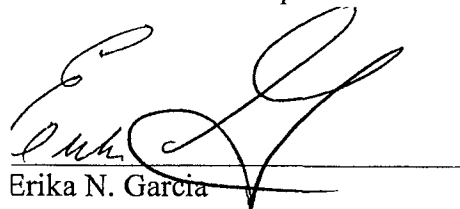


Erika N. Garcia  
State Bar No. 24092077  
(512) 936-7290  
(512) 936-7268 (facsimile)  
Public Utility Commission of Texas  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326

**DOCKET NO. 47398**

**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record March 1, 2018, in accordance with 16 TAC§ 22.74.



Erika N. Garcia

## PUC Interoffice Memorandum

---

**To:** Erika Garcia, Attorney  
Legal Division

**Thru:** Lisa Fuentes, Manager  
Water Utilities Division

**From:** Elisabeth English, Engineering Specialist  
Water Utilities Division

**Date:** March 1, 2018

**Subject:** **Docket 47398**, *Application of Horseshoe Bay Water Utility to Obtain Water and Sewer Certificates of Convenience and Necessity (CCN) in Llano and Burnet Counties*

On July 12, 2017, Horseshoe Bay Water Utility (Applicant) filed an application to obtain water and sewer Certificates of Convenience and Necessity (CCN) in Llano and Burnet Counties, Texas, pursuant to Texas Water Code (TWC) §§ 13.242-.250 and 16 Tex. Admin. Code (TAC) §§ 24.101-.107.

The Applicant amended its application on November 8, 2017, to request only the current utility service area within its municipal boundaries. Additionally, the Applicant filed a request on December 22, 2017, to cancel Deerhaven Inc.'s water CCN No. 10467, which is located within Applicant's municipal boundaries, due to Deerhaven Inc.'s inactive status.

Based on a review of the application as amended, Staff recommends that the application be found administratively complete and accepted for filing. 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) the following entities:
    - Aqua Texas Inc (CCN Nos. 11157 and 20453)
    - Burnet County Judge
    - Burnet County MUD 3
    - Burnet County WCID 1
    - Central Texas GCD
    - Channel Oaks Water System (CCN No. 12109)
    - City of Cottonwood Shores (CCN Nos. 13185 and 21051)
    - City of Granite Shoals (CCN No. 11450)
    - City of Highland Haven

- City of Marble Falls (CCN Nos. 11137 and 20426)
- City of Meadowlakes
- City of Sunrise Beach Village (CCN No. 13208)
- Corix Utilities Texas Inc (CCN No. 13227)
- Deerhaven Inc (CCN No. 10467)
- Deerhaven WCID (CCN No. 13180)
- Horseshoe Bay WCID 1
- Horseshoe Bays WCID 3
- Llano County Judge
- Llano County MUD 1
- Lower Colorado River Authority
- Wilderness Cove Water Company (CCN No. 12334)

- 2) Include 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/liwud/>.
- 3) Publish notice once each week for two (2) consecutive weeks in a newspaper of general circulation in both Llano and Burnet counties.
- 4) File in this docket a copy of the actual notice and map issued, along with an affidavit specifying every person and entity to whom notice was provided and the date that the notice was provided, as well as 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.