



Control Number: 47452



Item Number: 8

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APPLICATION OF MUSTANG §
SPECIAL UTILITY DISTRICT TO §
AMEND WATER AND SEWER §
CERTIFICATES OF CONVENIENCE §
AND NECESSITY IN DENTON AND §
COLLIN COUNTIES §

PUBLIC UTILITY COMMISSION

OF TEXAS

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

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and in response to Order No. 2, files this Supplemental Recommendation on Administrative Completeness. Staff recommends that the application be deemed sufficient for further review. In support thereof, Staff shows the following:

I. BACKGROUND

On July 28, 2017, Mustang Special Utility District (Mustang) filed an application to amend its water Certificate of Convenience and Necessity (CCN) No. 11856 and sewer CCN No. 20930 in Denton and Collin County.

On August 29, 2017, Order No. 2 was issued, establishing a deadline of October 28, 2017, for Staff to file a supplemental recommendation on the administrative completeness of the application and notice and propose a procedural schedule for further processing of the application. This pleading is therefore timely filed.

II. ADMINISTRATIVE COMPLETENESS

As supported by the attached memorandum from Jolie Mathis in the Commission's Water Utility Regulation Division, Staff has reviewed the application filed by Mustang and recommends that it be found administratively complete.

III. NOTICE

As detailed in the attached memorandum, Staff recommends that Mustang be directed to use the attached notice forms 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;
- b. the county judge of each county that is wholly or partially included in the requested area;
- c. each groundwater conservation district that is wholly or partially included in the requested area; and
- d. publish notice once each week for two (2) consecutive weeks in a newspaper of general circulation in Denton and Collin Counties.

2) Provide correct notice of the application to the following entities:

- Aqua Texas Inc (CCN Nos. 13201, 21059)
- City of Celina (CCN Nos. 12667, 20764)
- City of Prosper (CCN Nos. 12967, 20888)
- Denton County FWSD 8-A (CCN Nos. 13018, 20920)
- Denton County FWSD 8-B (CCN Nos. 13019, 20921)
- Denton County FWSD 10 (CCN No. 13021)
- Marilee SUD (CCN No. 10150)
- Water Association of North Lake (CCN No. 12198)
- Collin County MUD 1
- Denton County FWSD 11-C
- Denton County MUD 6
- Denton County MUD 7
- Highway 380 MMD 1
- Mobberly MUD
- North Texas Groundwater Conservation District
- Prosper Management District 1
- Smiley Road WCID
- Talley Ranch WCID of Denton County
- The Lakes FWSD of Denton County
- Upper Trinity Regional Water District
- Town of Little Elm
- Collin County Judge
- Denton 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/>.

IV. PROCEDURAL SCHEDULE

Staff proposes the following procedural schedule:

Event	Date
Deadline for Mustang 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	December 12, 2017
Deadline for Staff to file a recommendation on sufficiency of notice	Within 10 days of Mustang filing proof of completed notice with the Commission
Deadline to intervene	30 days after notice is issued

V. CONCLUSION

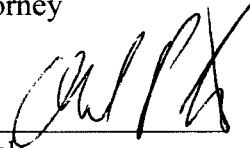
For the reasons detailed above, Staff recommends that the application be found administratively complete, that Mustang be directed to provide notice as detailed above and in the attached memorandum, and that the procedural schedule proposed above be adopted.

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF
TEXAS LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Karen S. Hubbard
Managing Attorney

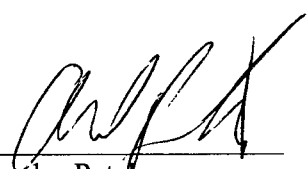


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DOCKET NO. 47455

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on this the 30th of October, 2017 in accordance with 16 TAC § 22.74.



Alexander Petak

PUC Interoffice Memorandum

To: Alex Petak, Attorney
Legal Division

Thru: Lisa Fuentes, Manager
Water Utility Regulation Division

From: Jolie Mathis, Engineering Specialist
Water Utility Regulation Division

Date: October 27, 2017

Re: **Docket No. 47452** - *Application of Mustang SUD to Amend a Water Certificate of Convenience and Necessity in Denton and Collin Counties*

On July 28, 2017, Mustang Special Utility District (Applicant) filed an application to amend water Certificate of Convenience and Necessity (CCN) No. 11856 and sewer CCN No. 20930 in Denton and Collin Counties. 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.

A Staff review of the additional information filed by the applicant on October 13, 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. 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;
 - b. the county judge of each county that is wholly or partially included in the requested area;
 - c. each groundwater conservation district that is wholly or partially included in the requested area; and
 - d. publish notice once each week for two (2) consecutive weeks in a newspaper of general circulation in Denton and Collin Counties.

- 2) Provide correct notice of the application to the following entities:
 - Aqua Texas Inc (CCN Nos. 13201, 21059)
 - City of Celina (CCN Nos. 12667, 20764)
 - City of Prosper (CCN Nos. 12967, 20888)
 - Denton County FWSD 8-A (CCN Nos. 13018, 20920)
 - Denton County FWSD 8-B (CCN Nos. 13019, 20921)
 - Denton County FWSD 10 (CCN No. 13021)
 - Marilee SUD (CCN No. 10150)
 - Water Association of North Lake (CCN No. 12198)
 - Collin County MUD 1

- Denton County FWSD 11-C
- Denton County MUD 6
- Denton County MUD 7
- Highway 380 MMD 1
- Mobberly MUD
- North Texas Groundwater Conservation District
- Prosper Management District 1
- Smiley Road WCID
- Talley Ranch WCID of Denton County
- The Lakes FWSD of Denton County
- Upper Trinity Regional Water District
- Town of Little Elm
- Collin County Judge
- Denton 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.

Notice for Publication

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

Mustang Special Utility District has filed an application with the Public Utility Commission of Texas to amend its Certificate of Convenience and Necessity for CCN No. 11856 and for CCN No. 20930 for the provision of retail Water and Sewer utility service in Denton and Collin Counties.

The requested area is located approximately 8 mile(s) southwest of downtown Celina, Texas, and is generally bounded on the north by FM 428; on the east by County Line Rd./N. Legacy Dr.; on the south by Parvin Rd./Fish Trap Rd.; and on the west by Little Elm Creek/FM 2931.

- The requested areas (tracts 1-3) for water includes approximately 1460 total acres and 0 current customers.
- The requested area (tract 1) for sewer includes approximately 446 total acres and 0 current customers.

The requested area overlaps the boundaries of the following district(s). If the following district does not request a public hearing, the Commission shall determine that the district is consenting to the Mustang Special Utility District's request to provide retail Water and Sewer utility service within the requested area:

- Denton County MUD 6
- Smiley Road WCID

A copy of the map showing the requested area is available at: 7985 FM 2931, Aubrey, Texas 76227; Telephone (940) 440-9561

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.

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 AND SEWER UTILITY SERVICE IN DENTON AND COLLIN COUNTIES, TEXAS

To: _____ Date Notice Mailed: _____, 2017
(Neighboring System, Landowner or City)

(Address)

(City State Zip)

Mustang Special Utility District has filed an application with the Public Utility Commission of Texas to amend its Certificate of Convenience and Necessity for CCN No. 11856 and for CCN No. 20930 for the provision of retail Water and Sewer utility service in Denton and Collin Counties.

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- Denton County MUD 6
- Smiley Road WCID

A copy of the map showing the requested area is available at: 7985 FM 2931, Aubrey, Texas 76227; Telephone (940) 440-9561

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.

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PUBLIC UTILITY COMMISSION



AFFIDAVIT OF NOTICE TO CURRENT CUSTOMERS, NEIGHBORING UTILITIES AND
AFFECTED PARTIES
DOCKET NO. **47452**

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. 47452

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 _____