



Control Number: 47464



Item Number: 14

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DOCKET NO. 47464

APPLICATION OF DRIPPING
SPRINGS WATER SUPPLY
CORPORATION TO AMEND A
WATER CERTIFICATE OF
CONVENIENCE AND NECESSITY
IN HAYS COUNTY

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PUBLIC UTILITY COMMISSION
OF TEXAS
FILING CLERK

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

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this Second Supplemental Recommendation on Administrative Completeness in response to Order No. 4. In support thereof, Staff shows the following:

I. BACKGROUND

On August 1, 2017, Dripping Springs Water Supply Corporation (DSWSC) filed an application to amend its water Certificate of Convenience and Necessity No. 10315 in Hays County. DSWSC supplemented its application on December 19, 2017.

On November 22, 2017, Order No. 4 was issued, establishing a deadline of January 23, 2018, 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. ADMINISTRATIVE COMPLETENESS

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

III. NOTICE

Staff has reviewed the application as supplemented and recommends that the application be deemed sufficient for filing and administratively complete. Staff further recommends that DSWSC 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. 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.
- 2) Publish notice once each week for two (2) consecutive weeks in a newspaper of general circulation in Hays County.
- 3) Additionally, provide notice of the application to the following:
 - City of Dripping Springs
 - Guadalupe-Blanco River Authority
 - Hays County Development District 1
 - Hays Trinity Groundwater Conservation District
 - Lower Colorado River Authority
 - Hays County Judge

Staff further recommends that DSWSC 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 DSWSC be directed to use the attached affidavits to file proof of notice according to the procedural schedule proposed below.

IV. PROCEDURAL SCHEDULE

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

Event	Date
Deadline for DSWSC 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	March 9, 2018
Deadline for Staff to file a recommendation on sufficiency of notice	Within 10 days of DSWSC filing proof of completed notice with the Commission
Deadline to intervene	30 days after notice is issued

V. CONCLUSION

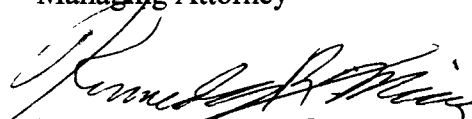
For the reasons discussed above, Staff recommends that the application be found administratively complete. Staff further recommends that the procedural schedule proposed above be adopted for further processing of this docket.

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF
TEXAS LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Katherine Lengieza Gross
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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on this the 23rd of January, 2018 in accordance with 16 TAC § 22.74.


Kennedy R. Meier

PUC Interoffice Memorandum

To: Kennedy Meier, Attorney
Legal Division

Thru: Lisa Fuentes, Manager
Water Utility Regulation Division

From: Brannon Pennick, Engineering Specialist
Heidi Graham, Manager
Water Utility Regulation Division

Date: January 22, 2018

Subject: **Docket No. 47464:** *Application of Dripping Springs Water Supply Corporation to Amend a Water Certificate of Convenience and Necessity in Hays County*

On August 1, 2017, Dripping Springs Water Supply Corporation (Applicant), filed an application to amend its water Certificate of Convenience and Necessity No. 10315 in Hays County, pursuant to Texas Water Code Ann. §§ 13.242 to 13.250 (West 2008 & Supp. 2017) (TWC) and 16 Tex. Admin. Code §§ 24.101 to 24.107 (TAC). The total service area being requested includes approximately 127 acres and 0 current customers.

Staff reviewed the supplemental information filed on December 19, 2017 and 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;
 - 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. 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 area is located.
- 2) Publish notice once each week for two (2) consecutive weeks in a newspaper of general circulation in Hays County.
- 3) Provide notice of the application to the following:
 - City of Dripping Springs
 - Guadalupe-Blanco River Authority
 - Hays County Development District 1
 - Hays Trinity Groundwater Conservation District

- Lower Colorado River Authority
 - Hays County Judge
- 4) 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/>.
 - 5) 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 HAYS COUNTY, TEXAS

Dripping Springs Water Supply Corporation (WSC) has filed an application with the Public Utility Commission of Texas to amend its Certificate of Convenience and Necessity for CCN No. 10315 for the provision of retail water utility service in Hays County.

The requested area is located approximately 3 miles west of downtown Dripping Springs, TX, and is generally bounded on the north by US Hwy 290; on the east by Roger Hanks Pkwy; on the south by Creek Rd; and on the west by Blue Creek Dr.

The requested area includes approximately 127 total acres and 0 current customers.

The requested area overlaps the boundaries of Lower Colorado River Authority and Guadalupe-Blanco River Authority. If Lower Colorado River Authority and Guadalupe-Blanco River Authority do not request a public hearing, the Commission shall determine that Lower Colorado River Authority and Guadalupe-Blanco River Authority are consenting to the Dripping Springs WSC's request to provide retail water utility service within the requested area:

A copy of the map showing the requested area is available at: 101 Hays Street, Suite 406, Dripping Springs, Texas 78620; Telephone (512) 858-7897

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 HAYS COUNTY, TEXAS

To: _____
(Neighboring System, Landowner or City)

Date Notice Mailed: _____, 20__

(Address)

(City State Zip)

Dripping Springs Water Supply Corporation (WSC) has filed an application with the Public Utility Commission of Texas to amend its Certificate of Convenience and Necessity for CCN No. 10315 for the provision of retail water utility service in Hays County.

The requested area is located approximately 3 miles west of downtown Dripping Springs, TX, and is generally bounded on the north by US Hwy 290; on the east by Roger Hanks Pkwy; on the south by Creek Rd; and on the west by Blue Creek Dr.

The requested area includes approximately 127 total acres and 0 current customers.

The requested area overlaps the boundaries of Lower Colorado River Authority and Guadalupe-Blanco River Authority. If Lower Colorado River Authority and Guadalupe-Blanco River Authority do not request a public hearing, the Commission shall determine that Lower Colorado River Authority and Guadalupe-Blanco River Authority are consenting to the Dripping Springs WSC's request to provide retail water utility service within the requested area:

A copy of the map showing the requested area is available at: 101 Hays Street, Suite 406, Dripping Springs, Texas 78620; Telephone (512) 858-7897

See enclosed map showing the requested area.

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.

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Si desea información en español, puede llamar al 1-888-782-8477.

PUBLIC UTILITY COMMISSION



AFFIDAVIT OF NOTICE TO LANDOWNERS, NEIGHBORING UTILITIES AND AFFECTED PARTIES DOCKET NO. 47464

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 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 _____, 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. **47464**

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 _____