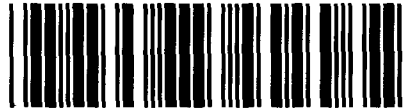




Control Number: 47592



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DOCKET NO. 47592

RECEIVED

APPLICATION OF JENNIFER §
FULTZ, RECEIVER FOR §
THUNDERBIRD POINT WATER §
SYSTEM AND BI-COUNTY WATER §
SUPPLY CORPORATION FOR §
SALE, TRANSFER OR MERGER OF §
FACILITIES AND CERTIFICATE §
RIGHTS IN CAMP COUNTY §

2017 OCT 11 AM 11:20
PUBLIC UTILITY COMMISSION
PUBLIC UTILITY COMMISSION
OF TEXAS

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

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this response to Order No. 1, Staff's Recommendation on Sufficiency of the Application. Staff recommends that the application be deemed sufficient for further review. In support thereof, Staff shows the following:

I. BACKGROUND

On September 11, 2017, Bi-County Water Supply Corporation (Buyer) and Jennifer Fultz, Receiver for Thunderbird Point Water System (Seller) (collectively, Applicants) filed an application for sale, transfer, or merger of facilities and certificate rights in Camp County, Texas. Specifically, the Buyer seeks approval to acquire a portion of the Seller's facilities and to transfer a portion of the water service area from the Seller under water Certificate of Convenience and Necessity (CCN) No. 11243.

On September 12, 2017, Order No. 1 was issued, establishing a deadline of October 11, 2017, for Staff to file a recommendation on the administrative completeness of the application and notice and propose a procedural schedule for further processing of the application.

II. ADMINISTRATIVE COMPLETENESS

As detailed in the attached memorandum from Emily Sears in the Commission's Water Utility Regulation Division, Staff has reviewed the application and supplemental information filed by Thunderbird, and recommends that it be found administratively complete.

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III. NOTICE

As detailed in the attached memorandum, Staff recommends that Applicants be directed to use the attached notice forms to 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; and
 - c) each groundwater conservation district that is wholly or partially included in the requested area; and
 - d) affected customers
- 2) Provide correct notice of the application to the following entities:
 - Tri SUD, CCN No. 10402
 - Aqua Texas, Inc., CCN No. 13201
 - Titus County FWSD 1
 - City of Rocky Mound
 - Camp County Judge AJ Mason
- 3) Provide an accurate map delineating the requested service area with each individual notice to neighboring utilities, other affected parties, and customers. 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/>.
- 4) 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. It is recommended that the Applicant use the attached notice and affidavit to meet these requirements.

IV. PROCEDURAL SCHEDULE

Staff 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	November 27, 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

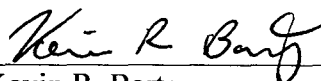
For the reasons detailed above, Staff recommends that the application be found administratively complete, that Applicants be directed to provide notice as detailed above and in the attached memorandum, and that the procedural schedule proposed above be adopted.

Respectfully Submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

Margaret Uhlig Pemberton
Division Director

Katherine Lengieza Gross
Managing Attorney



Kevin R. Bartz
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1701 N. Congress Avenue
P.O. Box 13326
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DOCKET NO. 47592

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on this the 11th of October, 2017 in accordance with 16 TAC § 22.74.


Kevin R. Bartz

PUC Interoffice Memorandum

To: Kevin Bartz
Legal Division

Thru: Tammy Benter, Director
Lisa Fuentes, Manager
Water Utility Regulation Division

From: Emily Sears, Financial Analyst
Water Utility Regulation Division

Date: October 5, 2017

Subject: **Docket No. 47592**, *Application of Jennifer Fultz, Receiver for Thunderbird Point Water System and Bi-County Water Supply Corporation for Sale, Transfer, or Merger of Facilities and Certificate Rights in Camp County*

On September 11, 2017, Bi-County Water Supply Corporation (Buyer) and Jennifer Fultz, Receiver for Thunderbird Point Water System (Seller) (collectively, Applicants) filed an application for Sale, Transfer, or Merger (STM) of facilities and certificate rights in Camp County, Texas, pursuant to Texas Water Code Ann. (TWC) § 13.301 and the 16 Tex. Admin Code (TAC) § 24.109. Specifically, the Buyer seeks approval to acquire a portion of the Seller's facilities and to transfer a portion of the water service area from the Seller under water Certificate of Convenience and Necessity (CCN) No. 11243. The requested area includes approximately 283.5 acres and 178 connections.

Based on Staff's review of the above referenced application, Staff recommends that the application be deemed sufficient for filing and be found administratively complete. Staff also recommends 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; and
 - c) each groundwater conservation district that is wholly or partially included in the requested area; and
 - d) affected customers

- 2) Provide correct notice of the application to the following entities:
 - Tri SUD, CCN No. 10402
 - Aqua Texas, Inc., CCN No. 13201
 - Titus County FWSD 1
 - City of Rocky Mound
 - Camp County Judge AJ Mason

- 3) Provide an accurate map delineating the requested service area with each individual notice to neighboring utilities, other affected parties, and customers. 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/>.

- 4) 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. It is recommended that the Applicant use the attached notice and affidavit to meet these requirements.

Notice to Current Customers, Neighboring Systems, and Cities

BI-COUNTY WATER SUPPLY CORPORATION, CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) NO. 10490, NOTICE OF INTENT TO PURCHASE A PORTION OF WATER FACILITIES AND TO TRANSFER A PORTION OF THE WATER SERVICE AREA UNDER CCN NO. 11243, FROM JENNIFER FULTZ, RECEIVER, FOR THUNDERBIRD POINT WATER SYSTEM IN CAMP COUNTY, TEXAS

To: _____ Date Notice Mailed: _____, 2017
(Name of Customer, Neighboring System, or City)

(Address)

(City State Zip)

Bi-County Water Supply Corporation P.O. Box 848 Pittsburg, TX 75686
(Purchaser's or Transferee's Name) (Address) (City) (State) (Zip Code)

has submitted an application with the Public Utility Commission of Texas (Commission) to purchase a portion of the water facilities and to transfer a portion of the water service area under CCN No. 11243, in Camp County, TX from:

Jennifer Fultz, Receiver, for
Thunderbird Point Water System P.O. Box 868 Navosta, TX 77868
(Seller's or Transferor's Name) (Address) (City) (State) (Zip Code)

The sale is scheduled to take place as approved by the Commission (V.T.C.A., Water Code § 13.301). The transaction and the transfer of the CCN includes the following subdivision: Thunderbird Point Subdivision.

The area subject to this transaction is located approximately 6 miles northwest of downtown Pittsburg, Texas, and is generally bounded on the north by Lake Bob Sandlin; on the east by 1 mile west of Texas Utilities General Co. Railroad; on the south by CR 2601; and on the west by Lake Bob Sandlin.

The total requested area for the water CCN being transferred includes approximately 283.5 acres and 178 current customers.

This transaction will have the following effect on the current customers' rates and services: All customers will be charged different rates than they were charged before the transaction.

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.

Si desea información en español, puede llamar al 1-512-936-7221 or 888-782-8477.

Utility Representative

Utility Name

PUBLIC UTILITY COMMISSION



AFFIDAVIT OF NOTICE TO CURRENT CUSTOMERS, NEIGHBORING UTILITIES AND
AFFECTED PARTIES
DOCKET NO. **47592**

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 _____