



Control Number: 47690



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DOCKET NO. 47690

**APPLICATION OF GEORGE T.
FOLEY, JR., INDEPENDENT
EXECUTOR OF THE AILEEN M.
FOLEY ESTATE AND CRYSTAL
CLEAR WATER, INC. FOR SALE,
TRANSFER, OR MERGER OF
FACILITIES AND CERTIFICATE
RIGHTS IN BOSQUE COUNTY**

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PUBLIC UTILITY COMMISSION

OF TEXAS

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PUBLIC UTILITY COMMISSION
FILING CLERK

**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. 1, files this Recommendation on Administrative Completeness and Proposed Notice. Staff recommends that the application be deemed sufficient for further review. In support thereof, Staff shows the following:

I. BACKGROUND

On October 12, 2017, George T. Foley, Jr., Independent Executor of the Aileen M. Foley Estate and Crystal Clear Water (collectively, Applicants) filed an application for sale, transfer, or merger of facilities and certificate rights in Bosque County, Texas. Specifically, the Foley Estate seeks approval to sell and transfer all of water Certificate of Convenience and Necessity (CCN) No. 11777 to Crystal Clear Water, Inc., CCN No. 12997.

On October 16, 2017, Order No. 1 was issued, establishing a deadline of November 13, 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 Jonathan Ramirez in the Commission's Water Utility Regulation Division, Staff has reviewed the application filed by Applicants, and recommends that it be found administratively complete.

III. NOTICE

As detailed in the attached memorandum, Staff recommends that Applicants be directed to use the attached notice forms to the following:

- any districts, utilities, and cities within two (2) miles of the proposed area;
- the county judge of each county and each groundwater conservation district that is wholly or partly included in the proposed area to be certified;
- each city with an extraterritorial jurisdiction (ETJ) that is wholly or partly included in the proposed area to be certified;
- any customers transferred, or other affected parties in the requested area.
- King Creek WSC, CCN No. 11900
- Cooney Cavern Lodge, CCN No. 12412
- Shuler Point Water System, CCN No. 12484
- Hilco United Services, Inc, CCN No. 12998
- Silverleaf Resorts, Inc., CCN No. 11072
- Brazos River Authority
- Middle Trinity GCD
- Bosque County Judge Don Pool

Staff also recommends that, within 30 days of the Commission order, Staff recommends that the Applicants be required to file a copy of the actual individual notice sent with attached signed and notarized affidavit that the notice was given.

In addition to the information requested above, Staff recommends the Applicants provide copies of their existing tariffs.

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	December 28, 2017
Deadline for Staff to file a recommendation on sufficiency of notice	January 8, 2018
Deadline to intervene	30 days after notice is issued

V. CONCLUSION

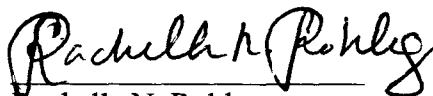
For the reasons detailed above, Staff recommends that the application be found administratively complete, that Applicants be directed to provide notice as detailed above and in the attached memorandum, and that the procedural schedule proposed above be adopted.

Respectfully Submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

Margaret Uhlig Pemberton
Division Director

Stephen Mack
Managing Attorney



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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 13th of November, 2017 in accordance with 16 TAC § 22.74.


Rachelle N. Robles

PUC Interoffice Memorandum

To: Rachelle Robles, Attorney
Legal Division

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

From: Jonathan Ramirez, Financial Analyst
Water Utility Regulation Division

Date: November 9, 2017

Subject: **Docket No. 47690:** *Application of George T. Foley, JR., Independent Executor of the Aileen M. Foley Estate and Crystal Clear Water, Inc. For Sale, Transfer, or Merger of Facilities and Certificate Rights in Bosque County*

On October 12, 2017 George T. Foley/Aileen M. Foley Estate filed an application for sale, transfer, or merger of facilities and Certificate of Convenience and Necessity (CCN) rights in Bosque County. Specifically, the Foley Estate seeks approval to sell and transfer all of water Certificate of Convenience and Necessity (CCN) No. 11777 to Crystal Clear Water, Inc., CCN No. 12997. The area to be transferred includes 166 acres and 128 customers. The application is being reviewed under Texas Water Code (TWC) §§13.242-.250 and 16 Tex. Admin Code (TAC) §§ 24.101-.107.

A Staff review of the information filed by the Applicant 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 following:

- 1) The Applicant provide notice of the application to the following:
 - a) any districts, utilities, and cities within two (2) miles of the proposed area;
 - b) the county judge of each county and each groundwater conservation district that is wholly or partly included in the proposed area to be certified;
 - c) each city with an extraterritorial jurisdiction (ETJ) that is wholly or partly included in the proposed area to be certified;
 - d) any customers transferred, or other affected parties in the requested area.
- 2) The Applicant provide notice to the following:
 - King Creek WSC, CCN No. 11900
 - Cooney Cavern Lodge, CCN No. 12412
 - Shuler Point Water System, CCN No. 12484
 - Hilco United Services, Inc, CCN No. 12998
 - Silverleaf Resorts, Inc., CCN No. 11072
 - Brazos River Authority
 - Middle Trinity GCD
 - Bosque County Judge Don Pool

Within 30 days of the Commission order, Staff recommends that the Applicants be required to file a copy of the actual individual notice sent with attached signed and notarized affidavit that the notice was given.

In addition to the information requested above, Staff recommends the Applicants provide copies of their existing tariffs.

Notice to Current Customers, Neighboring Systems, and Cities

CRYSTAL CLEAR WATER, INC.'S NOTICE OF INTENT TO PURCHASE FACILITIES AND TO TRANSFER WATER SERVICE AREA FROM GEORGE T. FOLEY, JR./AILEEN M. FOLEY ESTATE, CERTIFICATE OF CONVENIENCE AND NECESSITY NO. 11777, IN BOSQUE COUNTY, TEXAS

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

(Address)

(City State Zip)

George T. Foley, Jr. /Aileen M. Foley Estate 3331 Mitchell Rd. Waco, TX 76708
(Seller's or Transferor's Name) (Address) (City) (State) (Zip Code)

has submitted an application with the Public Utility Commission of Texas (Commission) to sell water facilities and transfer water CCN No. 11777 service area in Bosque County, Texas to:

Crystal Clear Water, Inc. 122 S. Ave D Clifton, TX 76634
(Purchaser's or Transferee's Name) (Address) (City) (State) (Zip Code)

The sale is scheduled to take place as approved by the Commission. The transaction includes the following subdivisions: Lakeline Acres and Glenshores.

The area subject to this transaction is located approximately 6 miles southwest of downtown Whitney, Texas and is generally bounded on the north by Lake Whitney, on the east by Lake Whitney; on the south by Greenwade; and on the west by CR 1606.

The total area being requested includes approximately 166 acres and serves 128 current customers.

This transaction will have the following effect on the current customer's rates and services:

All of the customers of Lakeline Acres and Glenshores will be charged their existing rates.

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 public hearing is requested, the Commission will not issue the CCN and 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, the SOAH will submit a recommendation to the Commission for final decision. If an evidentiary hearing is held, it will be a legal proceeding similar to a civil trial in state district court.

Si desea informacion en Espanol, puede llamar al 1-512-936-7221.

George T. Foley Jr.
Utility Representative

Lakeline/Glenshores Water Co.
Utility Name

PUBLIC UTILITY COMMISSION



AFFIDAVIT OF NOTICE TO CURRENT CUSTOMERS, NEIGHBORING UTILITIES AND AFFECTED PARTIES DOCKET NO. 47690

STATE OF TEXAS

COUNTY OF _____

_____ has provided individual notice
to the following entities and customers:

DATE

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 _____