



Control Number: 47776



Item Number: 9

Addendum StartPage: 0

DOCKET NO. 47776

PETITION OF BETHEL-ASH § **PUBLIC UTILITY COMMISSION**
WATER SUPPLY CORPORATION TO §
AMEND A WATERCERTIFICATE OF § **OF TEXAS**
CONVENIENCE AND NECESSITY IN §
HENDERSON COUNTY §

**COMMISSION STAFF'S SUPPLEMENTAL RECOMMENDATION ON
ADMINISTRATIVE COMPLETENESS AND PROPOSED NOTICE**

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

I. BACKGROUND

On November 14, 2017, Bethel-Ash Water Supply Corporation (Bethel-Ash) filed a petition to amend Certificate of Convenience and Necessity (CCN) No. 10821, in Henderson County. Specifically, Petitioner requested for expedited release is approximately 336.7 acres.

On December 14, 2017, Order No. 2 was issued establishing a deadline of February 15, 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 Kathryn Eiland in the Commission's Water Utility Regulation Division, Staff has reviewed the application filed by Bethel-Ash, and recommends that it be found administratively complete.

III. NOTICE

As detailed in the attached memorandum, Staff recommends that Bethel-Ash be directed to use the attached notice forms to publish notice once each week for two consecutive weeks in a newspaper of general circulation in Henderson County and to:

- 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; and
 - e. publish notice once each week for two (2) consecutive weeks in a newspaper of general circulation in Henderson County.
- 2) Provide correct notice of the application to the following entities:
 - Crescent Heights WSC (CCN No. 10827)
 - Dal High Water (CCN No. 12830)
 - City of Athens
 - Neches & Trinity Valleys Groundwater Conservation District
 - Trinity River Authority of Texas
- 3) 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/>.
- 4) File in the 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 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.

IV. PROCEDURAL SCHEDULE

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

Event	Date
Deadline for Bethel-Ash 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	April 2, 2018
Deadline for Staff to file a recommendation on sufficiency of notice	April 12, 2018
Deadline to intervene	30 days after notice is issued

V. CONCLUSION

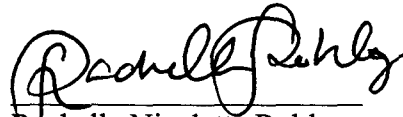
For the reasons detailed above, Staff recommends that the application be found administratively complete, that Bethel-Ash be directed to provide notice as detailed above and in the attached memorandum, and that the procedural schedule proposed above be adopted.

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Stephen Mack
Managing Attorney

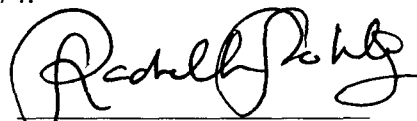


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DOCKET NO. 47776

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on February 15, 2018, in accordance with 16 TAC § 22.74.



Rachelle Nicolette Robles

PUC Interoffice Memorandum

To: Rachelle Robles, Attorney
Legal Division

Thru: Lisa Fuentes, Manager
Water Utility Regulation Division

From: Kathryn Eiland, Financial Analyst
Water Utility Regulation Division

Date: February 14, 2018

Subject: **Docket 47776**, *Application of Bethel-Ash Water Supply Corporation to Amend its Certificate of Convenience and Necessity (CCN) in Henderson County*

On November 14, 2017, Bethel-Ash Water Supply Corporation (Applicant) filed with the Public Utility Commission of Texas (Commission) an application to amend its water Certificate of Convenience and Necessity (CCN) No. 10821 in Henderson County, Texas pursuant to Texas Water Code Ann., §§ 13.242 to 13.250 (West 2008) (TWC) and the 16 Tex. Admin Code §§ 24.101 to 24.107 (TAC).

A Staff review of the additional information filed by the applicant on December 27, 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) 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; and
 - e) publish notice once each week for two (2) consecutive weeks in a newspaper of general circulation in Henderson County.
- 2) Provide correct notice of the application to the following entities:
 - Crescent Heights WSC (CCN No. 10827)
 - Dal High Water (CCN No. 12830)
 - City of Athens
 - Neches & Trinity Valleys Groundwater Conservation District
 - Trinity River Authority of Texas
- 3) 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/>.

- 4) File in the 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 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 to Neighboring Systems, Affected Customers and Cities
**NOTICE OF APPLICATION TO AMEND A CERTIFICATE OF CONVENIENCE AND
NECESSITY (CCN) IN HENDERSON COUNTY, TEXAS**

To: _____
(Neighboring System, Affected Customer or City)

(Address)

(City State Zip)

Date Notice Mailed: _____, 2018

Bethel-Ash Water Supply Corporation has filed an application with the Public Utility Commission of Texas to amend its Certificate of Convenience and Necessity (CCN) No. 10821 in Henderson County.

The requested area is located approximately 2.2 miles northwest of downtown Athens, Texas, and is generally bounded on the north by .25 mile north of Shore Crest Way; on the east by State Hwy 19; on the south by N.W. Loop 7; and on the west by US Hwy 175.

The requested area includes approximately 418 acres and 5 current customers.

See enclosed map showing the requested area.

The requested area overlaps the boundaries of the Trinity River Authority of Texas. If Trinity River Authority of Texas does not request a public hearing, the Commission shall determine that Trinity River Authority of Texas is consenting to the Bethel-Ash Water Supply Corporation's request to provide retail water utility service in 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.

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.

Notice for Publication

NOTICE OF APPLICATION TO AMEND/DECERTIFY A CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) IN HENDERDON COUNTY, TEXAS

Bethel-Ash Water Supply Corporation, has filed an application with the Public Utility Commission of Texas to amend its Certificate of Convenience and Necessity (CCN) No. 10821 in Henderson County.

The requested area is located approximately 2.2 miles northwest of downtown Athens, Texas, and is generally bounded on the north by .25 mile north of Shore Crest Way; on the east by State Hwy 19; on the south by N.W. Loop 7; and on the west by US Hwy 175.

The requested area includes approximately 418 acres and 5 current customers.

A copy of the map showing the requested area is available at: 6435 State Highway 19 N Athens, TX 75752

The requested area overlaps the boundaries of the Trinity River Authority of Texas. If Trinity River Authority of Texas does not request a public hearing, the Commission shall determine that Trinity River Authority of Texas is consenting to the Bethel-Ash Water Supply Corporation's request to provide retail water utility service in 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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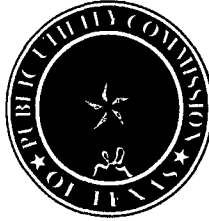
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Austin, TX 78711-3326

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

PUBLIC UTILITY COMMISSION



AFFIDAVIT OF NOTICE TO CURRENT CUSTOMERS, NEIGHBORING UTILITIES AND
AFFECTED PARTIES
DOCKET NO. 47776

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. 47776

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 _____