



Control Number: 47835



Item Number: 5

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DOCKET NO. 47835

RECEIVED

APPLICATION OF HOOD WATER, §
LLC FOR A WATER CERTIFICATE §
OF CONVENIENCE AND §
NECESSITY IN PARKER COUNTY §

2018 JAN -5 AM 9:15
PUBLIC UTILITY COMMISSION
OF TEXAS
FILING CLERK

**COMMISSION STAFF'S 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 Recommendation on Administrative Completeness and Proposed Notice in response to Order No. 1. Staff recommends that the application be deemed sufficient for further review. In support thereof, Staff shows the following:

I. BACKGROUND

On December 5, 2017, Hood Water LLC (Applicant) filed an application to obtain a water Certificate of Convenience and Necessity in Parker County, pursuant to Texas Water Code §§ 13.242 to 13.250 (TWC) and 16 Tex. Admin Code §§ 24.101 to 24.107 (TAC).

On December 11, 2017, Order No. 1 was issued, establishing a deadline of January 5, 2018 for Staff to file 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 of the Commission's Water Utility Regulation Division, Staff has reviewed the application filed by Applicant and recommends that it be found administratively complete and accepted for filing.

III. NOTICE

As detailed in the attached memorandum, Staff recommends that Applicant 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 Parker 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; and

- c) Each owner of a tract of land that is at least 25 acres and is wholly or partially included in the requested area. The landowner information may be obtained from the most current tax appraisal rolls of the applicable central appraisal district; and
- 2) Provide notice of the application to the following entities:
- Aqua Texas, Inc, CCN No. 13201
 - Monarch Utilities I, LP, CCN No. 12983
 - Rio Brazos WSC, CCN No. 11827
 - Brazos River Authority
 - Lake Granbury Water Improvement District
 - Upper Trinity GCD
 - Parker County Judge Mark Riley
- 3) Include copy of a map showing the requested 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 requested 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/>.
- 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. 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 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	February 20, 2018
Deadline for Staff to file a recommendation on sufficiency of notice	March 2, 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 Applicant be directed to provide notice as detailed above and in the attached memorandum, and that the procedural schedule proposed above be adopted.

Dated: January 5, 2018

Respectfully Submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

Margaret Uhlig Pemberton
Division Director

Katherine Lengieza Gross
Managing Attorney



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DOCKET NO. 47835

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on January 5, 2018, in accordance with 16 TAC § 22.74.



Joshua Adam Barron

PUC Interoffice Memorandum

To: Joshua Barron, Attorney
Legal Division

Thru: Lisa Fuentes, Manager
Water Utility Regulation Division

From: Brannon Pennick, Program Specialist
Water Utility Regulation Division

Date: January 3, 2018

Re: **Docket No. 47835:** *Application of Hood Water, LLC for a Water Certificate of Convenience and Necessity in Parker County*

On December 5, 2017, Hood Water, LLC (Applicant) filed an application to obtain a water Certificate of Convenience and Necessity in Parker County. The application is being reviewed pursuant to Texas Water Code §§ 13.242 to 13.250 (TWC) and 16 Tex. Admin Code §§ 24.101 to 24.107 (TAC).

Staff reviewed the information filed by the Applicant on December 5, 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; and
 - c) Each owner of a tract of land that is at least 25 acres and is wholly or partially included in the requested area. The landowner information may be obtained from the most current tax appraisal rolls of the applicable central appraisal district; and
 - d) Publish notice once each week for two (2) consecutive weeks in a newspaper of general circulation in Parker County.
- 2) Provide notice of the application to the following entities:
 - Aqua Texas, Inc, CCN No. 13201
 - Monarch Utilities I, LP, CCN No. 12983
 - Rio Brazos WSC, CCN No. 11827
 - Brazos River Authority
 - Lake Granbury Water Improvement District
 - Upper Trinity GCD
 - Parker County Judge Mark Riley
- 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 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, Cities and Landowners
**NOTICE OF APPLICATION TO OBTAIN A WATER CERTIFICATE OF
CONVENIENCE AND NECESSITY (CCN) IN PARKER COUNTY.**

To: _____
(Name of neighboring systems, cities and landowners)

(Address)

(City State Zip)

Date Notice Mailed: _____, 2018

Hood Water, LLC, filed an application with the Public Utility Commission of Texas to obtain a water Certificate of Convenience and Necessity (CCN) in Parker County.

The requested area is located approximately 8 miles north of downtown Granbury, TX, and is generally bounded on the north by Silverado Dr.; on the east by Granbury Hwy.; on the south by Lake Country Dr.; and on the west by the Brazos River.

The requested area includes approximately 1,030 total acres and 50 current customers.

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.

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, 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.

If you are a landowner with a tract of land at least 25 acres or more, that is partially or wholly located within the proposed service area, you may request to be excluded from the proposed service area (or "opt out") by providing written notice to the Commission within (30) days from the date that notice was provided by the applicant. All requests to opt out of the requested service area must include a large scale map and a metes and bounds description of the tract of land.

Persons who meet the requirements to opt out, and 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

A copy of the request to opt out of the proposed area must also be sent to the applicant. Staff may request additional information regarding your request.

Si desea información en español, puede llamar al 1-512-936-7221.

PUBLIC UTILITY COMMISSION



AFFIDAVIT OF NOTICE TO NEIGHBORING UTILITIES, LANDOWNERS AND AFFECTED PARTIES
DOCKET NO. 47835

STATE OF TEXAS

COUNTY OF _____

has provided individual notice to the following:

DATE

OATH

I, _____, being duly sworn, file this form as
_____ (indicate relationship to applicant, that is owner, member
or 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 _____, 2018 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 _____

NOTICE FOR PUBLICATION
**NOTICE OF APPLICATION TO OBTAIN A WATER CERTIFICATE OF
CONVENIENCE AND NECESSITY (CCN) IN PARKER COUNTY.**

Hood Water, LLC, filed an application with the Public Utility Commission of Texas to obtain a water Certificate of Convenience and Necessity (CCN) in Parker County.

The requested area is located approximately 8 miles north of downtown Granbury, TX, and is generally bounded on the north by Silverado Dr.; on the east by Granbury Hwy.; on the south by Lake Country Dr.; and on the west by the Brazos River.

The requested area includes approximately 1,030 total acres and 50 current customers.

A copy of the map showing the requested area is available at: 110 N. Crockett St., 2nd Floor, Granbury, TX 76048

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 1-512-936-7221.

PUBLIC UTILITY COMMISSION



PUBLISHER'S AFFIDAVIT DOCKET NO. 47835

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 _____