

Control Number: 48005



Item Number: 5

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DOCKET NO. 48005

**APPLICATION OF NORTHSIDE
WATER SUPPLY CORPORATION
AND RED RIVER AUTHORITY OF
TEXAS FOR SALE, TRANSFER, OR
MERGER OF FACILITIES AND
CERTIFICATE RIGHTS IN
WILBARGER COUNTY**

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**PUBLIC UTILITY COMMISSION
OF TEXAS**

2018 FEB 23 PM 1:36

FILED IN CASE NO. 48005
BY 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 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 January 31, 2018, Northside Water Supply Corporation (Northside WSC) and Red River Authority of Texas (Red River) (collectively, Applicants), filed an application for sale, transfer, or merger of facilities and certificate rights in Wilbarger County. Specifically, Northside WSC seeks approval to transfer all of its water service area under certificate of convenience and necessity (CCN) No. 10631 to Red River.

On February 2, 2018, Order No. 1 was issued, establishing a deadline of March 2, 2018, 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. 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 Applicants, 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 forms to provide notice to the following:

- 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; and
- the county judge of each county that is wholly or partially included in the requested area;
- each groundwater conservation district that is wholly or partially included in the requested area; and
- affected customers

Provide correct notice of the application to the following:

- Wilbarger County Judge

Applicants must 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/>.

Applicants must also 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 Applicants to file with the Commission signed affidavits that the notice was given along with a copy of the notice sent to the affected parties	April 2, 2018
Deadline for Staff to file a recommendation on sufficiency of notice	Within 10 day 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.

Dated: February 28, 2018

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

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DOCKET NO. 48005

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on February 28, 2018, in accordance with 16 TAC § 22.74.



Richard A. Nemer

PUC Interoffice Memorandum

To: Richard Nemer, Attorney
Legal Division

Thru: Lisa Fuentes, Manager
Water Utility Regulation

From: Kathryn Eiland, Financial Analyst
Gary Horton, GIS Specialist
Water Utility Regulation

Date: February 27, 2018

Subject: **Docket 48005**, *Application of Northside Water Supply Corporation and Red River Authority of Texas for Sale, Transfer, or Merger of Facilities and Certificate Rights in Wilbarger County*

On January 31, 2018, Red River Authority of Texas (Purchaser or Red River) and the Northside Water Supply Corporation (Seller or Northside WSC) (collectively, Applicants) filed an application for Sale, Transfer, or Merger (STM) of facilities and certificate rights in Wilbarger County, Texas, pursuant to Texas Water Code Ann. (TWC) § 13.301 and the 16 Tex. Admin Code (TAC) § 24.109. Specifically, Red River seeks approval to acquire facilities, transfer water service area, and cancel Northside WSC's Certificate of Convenience and Necessity (CCN) No. 10631. The requested area includes Facilities Only CCN lines and 81 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 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) affected customers.
- 2) Provide correct notice of the application to the following:
 - Wilbarger County Judge
- 3) 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

RED RIVER AUTHORITY OF TEXAS, CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) NO. 10202, TO TRANSFER WATER SERVICE AREA AND CANCEL NORTHSIDE WATER SUPPLY CORPORATION'S CCN NO. 10631 IN WILBARGER COUNTY, TEXAS

To: _____ Date Notice Mailed: _____, 2018
(Name of Customer, Neighboring System, or City)

(Address)

(City State Zip)

Red River Authority of Texas	3000 Hammon Road	Wichita Falls, TX	76310
(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 all water facilities and to transfer water service area under CCN No. 10631, in Wilbarger County, TX from:

Northside Water Supply Corporation	11502 FM 924 W	Vernon, Texas	76834
(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 subdivisions: Northside, White City, and Fargo.

The area subject to this transaction is located approximately 6 miles north of downtown Vernon, Texas, and is generally bounded on the north by FM 2916 on the east by CR 107; on the south by CR 301 and CR 302; and on the west by CR 97. The total requested area being requested includes Facilities Only CCN lines and 81 current customers.

This transaction will have the following effect on the current customers' rates and services: All customers will be charged Red River Authority of Texas 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.

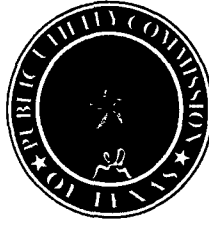
If a valid public hearing is requested, the Commission will forward the application to the State Office of Administrative Hearings (SOAH) for a hearing. If no settlement is reached and an evidentiary hearing is held, SOAH will submit a recommendation to the Commission for final decision. An evidentiary hearing is a legal proceeding similar to a civil trial in state district court.

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

Utility Representative

Utility Name

PUBLIC UTILITY COMMISSION



AFFIDAVIT OF NOTICE TO CURRENT CUSTOMERS, NEIGHBORING UTILITIES AND AFFECTED PARTIES DOCKET NO. 48005

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 _____