



Control Number: 48020



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PUC DOCKET NO. 48020

**APPLICATION OF THE CITY OF FORT
WORTH AND AQUA TEXAS, INC.
FOR APPROVAL OF SERVICE AREA
CONTRACT UNDER TEXAS WATER
CODE §13.248 AND TO AMEND
CERTIFICATES OF CONVENIENCE
AND NECESSITY IN DENTON AND
WISE COUNTIES**

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BEFORE THE

PUBLIC UTILITY COMMISSION

2018 APR 30 AM 10:22

COMMISSION
FILING CLERK

**APPLICANT CITY OF FORT WORTH'S RESPONSE TO
COMMISSION'S ORDER NO. 3 TO CURE APPLICATION**

Comes now the City of Fort Worth ("Applicant") and files with the Public Utility Commission of Texas ("Commission") this response to Order No. 3 to complete and cure it's application on or before May 21, 2018.

On or about March 8, 2018, the Commission deemed the Applicant's application incomplete due to the deficiencies described in Commission's staff memo dated March 1, 2018 and ordered the Applicant to amend its application to cure such deficiencies. In order to cure such deficiencies, the Applicant had to coordinate with the parties to City of Fort Worth City Secretary Contract Number 48652 and amend such agreement. Applicant filed a request to extend the deadline to cure on April 9, 2018. On April 13, 2018, the Commission granted such request by Order No. 3.

As requested by PUC Staff, Applicant hereby submits: 1) "*a detailed map that zooms in closer to display minor streets and roads shown in close proximity to the requested area*" that identifies "*the requested area in reference to verifiable man-made and natural landmarks, such as roads, rivers, and railroads*", 2) "*revised digital data for the requested area*" without the

already certificated area to Fort Worth, “in a single, continuous polygon record, in shapefile (SHP) format, and georeferenced in either NAD83 Texas Statewide Mapping System (Meters) or NAD83 Texas State Plane Coordinate System (US Feet)” and 3) an amendment between the parties to City of Fort Worth City Secretary Contract Number 48652 to clarify the correct CCN number affected to be 13201.

Accordingly, PUC Staff should now be in a position to complete its review.

Respectfully submitted,

City of Fort Worth

200 Texas Street

Fort Worth, Texas 76102

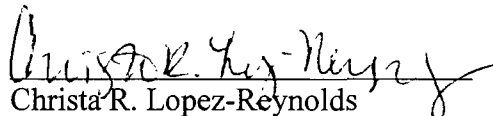
Telephone: (817) 392-8984

Facsimile: (817) 392-8359

By: Christa R. Lopez-Reynolds
Christa R. Lopez-Reynolds
Sr. Assistant City Attorney
State Bar No. 24013057

DOCKET NO. 48020
CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on April 27, 2018, in accordance with 16 Texas Admin. Code § 22.74.


Christa R. Lopez-Reynolds



**FIRST AMENDMENT TO WATER AND WASTEWATER UTILITY
SERVICES TRANSFER AGREEMENT**

This First Amendment to Water and Wastewater Utility Services Transfer Agreement ("First Amendment") is entered into by and between Aqua Texas, Inc., a Texas corporation ("Aqua Texas"), the City of Fort Worth, a home-rule municipal corporation situated in Tarrant, Denton, Johnson, Parker and Wise Counties, Texas (the "City"), Alpha Ranch Fresh Water Supply District of Denton and Wise Counties ("Alpha Ranch District"), South Denton County Water Control and Improvement District No. 1 ("Brookfield District") and North Fort Worth Water Control and Improvement District No. 1 of Denton and Wise Counties ("Shale Creek District") (collectively, the "Parties").

RECITALS

WHEREAS, Aqua Texas, the City, Alpha Ranch District, Brookfield District and Shale Creek District entered into that certain Water and Wastewater Utility Services Transfer Agreement effective March 1, 2017 (City Secretary Contract No. 48652) (the "Agreement"); and

WHEREAS, the Agreement provides for Aqua Texas to transfer all of its rights and obligations under water Certificate of Convenience and Necessity ("CCN") No. 11157 for certain property defined therein as the Water CCN Transfer Areas to the City; and

WHEREAS, the CCN number for the Water CCN Transfer Areas is CCN No. 13201, not CCN No. 11157; and

WHEREAS, the Parties wish to amend the Agreement to correct all references to water CCN number from CCN No. 11157 to CCN No. 13201;

NOW, THEREFORE, in consideration of the premises, mutual promises, covenants, obligations, and benefits herein contained, the Parties agree as follows:

1. The Agreement is amended to change all references to CCN No. 11157 to CCN No. 13201.
2. Except as specifically amended in this First Amendment, the Agreement shall remain in full force and effect in accordance with its original terms and conditions.
3. This Agreement may be executed in multiple counterparts, each of which shall be deemed to be an original.
4. This Agreement shall be effective upon execution by all Parties.

March 28, 2018

AQUA TEXAS, INC.

By: 

Robert L. Laughman, President

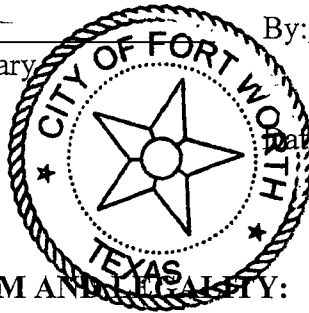


March 28, 2018

ATTEST:

CITY OF FORT WORTH

Mary J. Kayser
Mary J. Kayser, City Secretary



By: Tommy L. G.
Assistant City Manager

Date: 4-24-18

APPROVED AS TO FORM AND LEGALITY:

Chris K. Luy-Kemp
Assistant City Attorney

March 28, 2018

**BROOKFIELD FRESH WATER SUPPLY DISTRICT
NO. 1 OF DENTON COUNTY
f/k/a South Denton County Water Control
and Improvement District No. 1**

By:  _____

Name: Sandra Tabacinic

Title: President

Date: _____

March 28, 2018

**ALPHA RANCH FRESH WATER
SUPPLY DISTRICT
OF DENTON AND WISE COUNTIES**

By: Charles Hynes

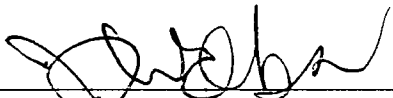
Name: Charles Hynes

Title: pres

Date: 4/4/18

March 28, 2018

**NORTH FORT WORTH WATER
CONTROL AND IMPROVEMENT DISTRICT
OF DENTON AND WISE COUNTIES**

By:  _____

Name: J.D. Walker _____

Title: President _____

Date: _____

31357.21

**POPE, HARDWICKE
CHRISTIE, SCHELL, KELLY & TAPLETT, L.L.P.
ATTORNEYS
Established 1952
500 WEST 7TH STREET, SUITE 600
FORT WORTH, TEXAS 76102
(817) 332-3245
FAX (817) 877-4781**

Marcella Olson
MOlson@popehardwicke.com

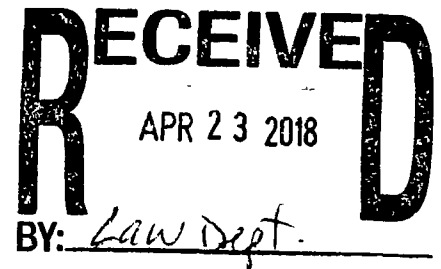
ROBERT E. HARDWICKE
(1889 – 1970)

ALEX POPE, JR.
(1913 – 1988)

ROBERT E. HARDWICKE, JR.
(1917 – 1991)

April 23, 2018

City of Fort Worth
200 Texas Street
City Attorney's Office
Fort Worth, TX 76102
Attn: Christa Reynolds



BY HAND DELIVERY

Re: First Amendment to Water and Wastewater Utility Services Transfer
Agreement for Alpha Ranch, Brookfield and Shale Creek

Dear Christa:

Enclosed please find First Amendment to Water and Wastewater Utility Services Transfer Agreement signed by Aqua Texas, Inc., Alpha Ranch Fresh Water Supply District of Denton and Wise Counties, South Denton County Water Control and Improvement District No. 1 (Brookfield) and North Fort Worth Water Control and Improvement District No. 1 of Denton and Wise Counties (Shale Creek). Please have the enclosure signed by Fort Worth and send it to the Public Utility Commission as soon as possible along with other information required in response to the PUC's March 1, 2018 order on administrative completeness that has not already been provided to the PUC.

My client has hired a consultant to interface with the PUC to expedite approval of the CCN transfer. He was advised by the PUC head of regulatory compliance to include the following statements in the cover letter to the PUC:

1. There are no existing customers within the transfer area.
2. No residential or commercial meters are being exchanged with the transfer.
3. The transfer needs to be completed by the end of May to prevent project default.

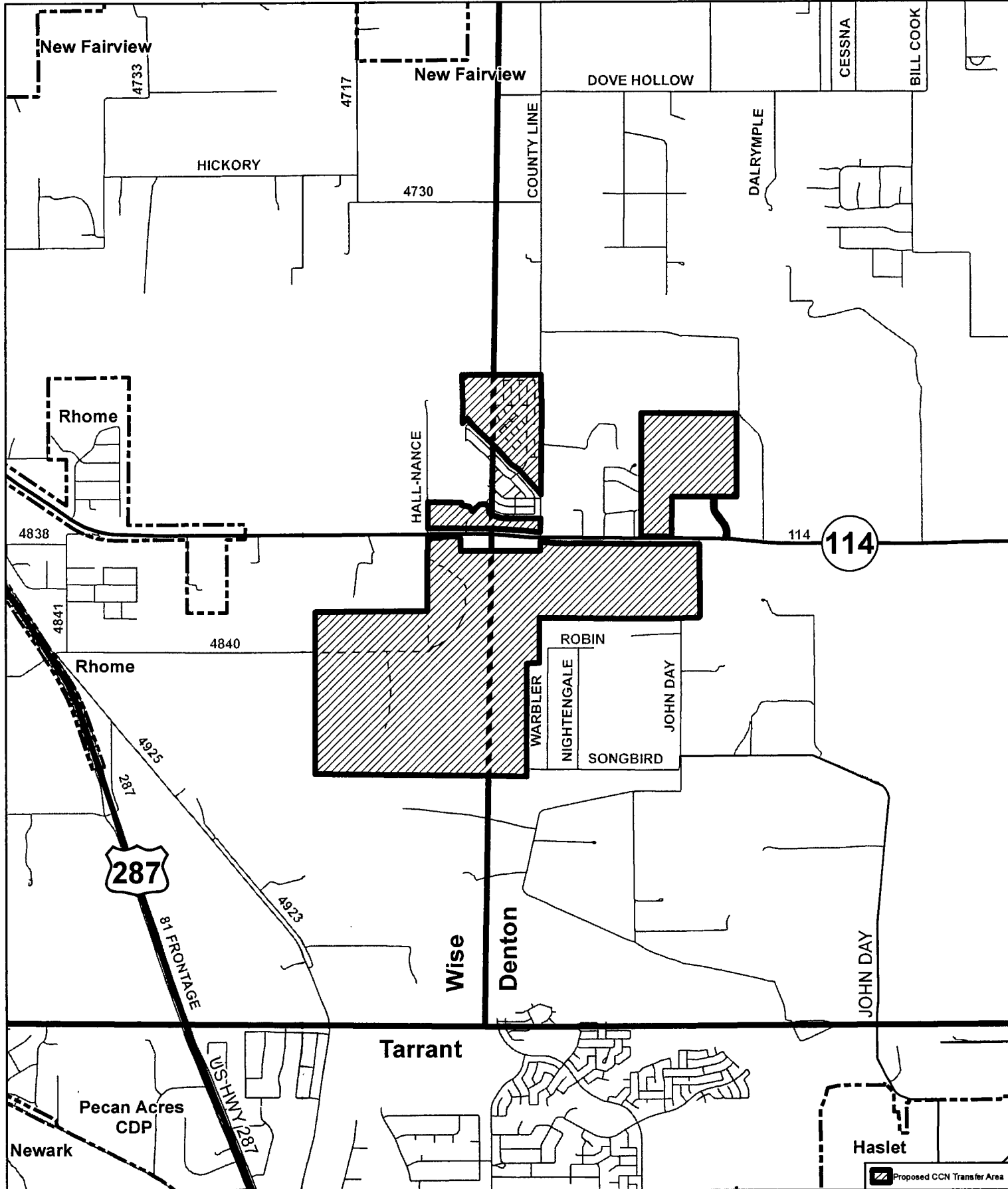
Thanks.

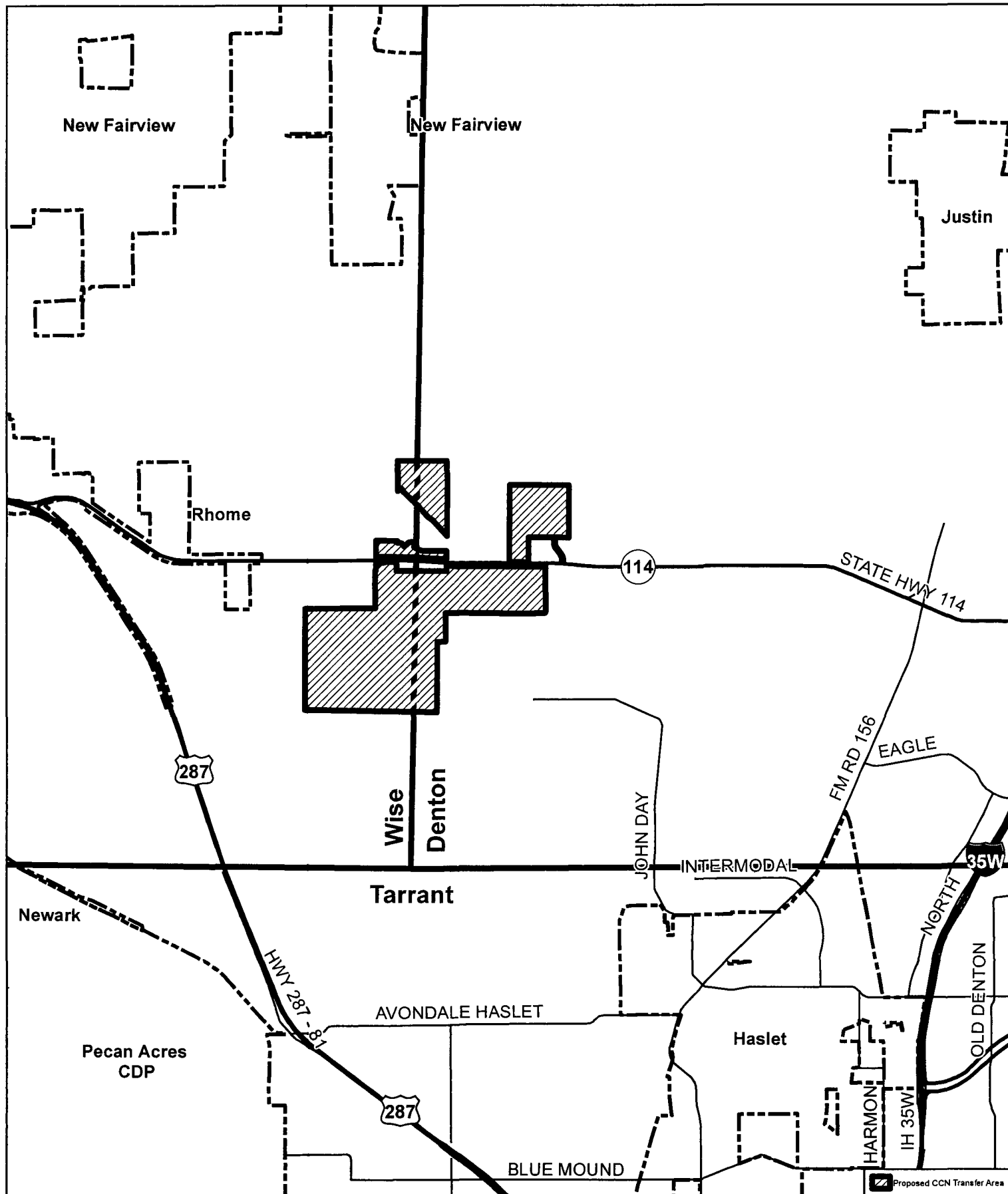
Sincerely,


Marcella Olson

Encl.

cc: Ross Martin
Butch Callegari
Ryan Burkhardt
Ross Calhoun
Ken Davis







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FOR THE ACCURACY OF SAID DATA

4/17/2018


**Small Scale Map
Proposed Transfer
to City of Fort Worth
(Water CCN No. 12311)
from Aqua Texas Inc.**



FORT WORTH
WATER



N



0 1 Miles