



Control Number: 48103



Item Number: 5

Addendum StartPage: 0

RECEIVED

APPLICATION OF FALL CREEK §
UTILITY COMPANY, INC. AND §
LGRVR WATER SUPPLY §
CORPORATION FOR SALE, §
TRANSFER, OR MERGER OF §
FACILITIES AND CERTIFICATE §
RIGHTS IN HOOD COUNTY §

PUBLIC UTILITY COMMISSION

2018 MAR 28 AM 9:47
PUBLIC UTILITY COMMISSION
OF TEXAS
CLERK

**COMMISSION STAFF'S 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. Staff recommends that the application be deemed sufficient for further review. In support thereof, Staff shows the following:

I. BACKGROUND

On February 26, 2018, LGRVR Water Supply Corporation (LGRVR WSC or Purchaser) and Fall Creek Utility Company, Inc. (Fall Creek or Seller) (collectively, Applicants) filed an application for sale, transfer, or merger of facilities and certificate rights in Hood County, Texas. Specifically, LGRVR WSC seeks approval to acquire facilities and to transfer Fall Creek's water and sewer service area under Certificate of Convenience and Necessity (CCN) Nos. 12884 (water) and 20854 (sewer). The requested area includes approximately 22 acres and 71 water and 69 sewer connections.

On February 28, 2018, Order No. 1 was issued, establishing a deadline of March 28, 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.

II. ADMINISTRATIVE COMPLETENESS

As detailed in the attached memorandum from Patricia Garcia in the Commission's Water Utility Regulation Division, Staff has reviewed the application and recommends that the application be found administratively complete.

III. NOTICE

As detailed in the attached memorandum, Staff further recommends the Applicants be ordered to do the following:

- 1) Provide notice of the application to:
 - a) cities and neighboring retail public utilities providing the same utility service whose corporate limits or certificated service area boundaries are within two miles from the outer boundary of the requested area, and any city with an extraterritorial jurisdiction that overlaps 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:
 - a) Acton Municipal Utility District, CCN Nos. 12971 and 20889;
 - b) Aqua Texas Inc, CCN Nos. 13201 and 21059;
 - c) Brazos River Authority;
 - d) Lake Granbury Water Improvement District;
 - e) Upper Trinity GCD; and
 - f) Hood County Judge Darrell Cockerham.
- 3) File an affidavit in the docket specifying every person and entity to whom notice was provided, the date that the notice was provided, and one copy of the notice as it was provided. It is recommended that the Applicant use the attached notice and affidavit 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 Applicants to file proof of notice with the Commission	April 27, 2018
Deadline for Staff to file a recommendation on sufficiency of notice	Within 10 days of Applicants filing proof of completed notice with the Commission
Deadline to intervene	30 days after notice is issued

V. CONCLUSION

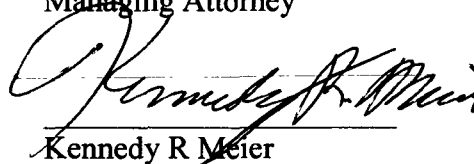
For the reasons detailed above, Staff recommends that the application be found administratively complete, that Applicants be directed to provide notice as detailed above and in the attached memorandum, and that the procedural schedule proposed above be adopted.

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Katherine Lengieza Gross
Managing Attorney

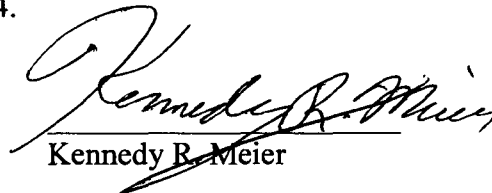


Kennedy R Meier
State Bar No. 24092819
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7265
(512) 936-7268 (facsimile)
kennedy.meier@puc.texas.gov

DOCKET NO. 48103

CERTIFICATE OF SERVICE

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



Kennedy R. Meier

PUC Interoffice Memorandum

To: Kennedy Meier
Legal Division

Thru: Lisa Fuentes, Manager
Water Utility Regulation Division

From: Patricia Garcia, Staff Engineer
Water Utility Regulation Division

Date: March 27, 2018

Subject: **Docket No. 48103**, *Application of Fall Creek Utility Company, Inc. and LGRVR Water Supply Corporation for Sale, Transfer, or Merger of Facilities and Certificate Rights in Hood County*

On February 26, 2018, LGRVR Water Supply Corporation (LGRVR WSC or Purchaser) and Fall Creek Utility Company, Inc. (Fall Creek or Seller) (collectively, Applicants) filed an application for Sale, Transfer, or Merger (STM) of facilities and certificate rights in Hood County, Texas, pursuant to Texas Water Code Ann. (TWC) § 13.301 and the 16 Texas Administrative Code (TAC) § 24.109. Specifically, LGRVR WSC seeks approval to acquire facilities and to transfer Fall Creek's water and sewer service area under Certificate of Convenience and Necessity (CCN) Nos. 12884 (water) and 20854 (sewer). The requested area includes approximately 22 acres and 71 water and 69 sewer connections.

A Staff review of the application filed found that it is sufficient in the required application and mapping information. Therefore, Staff 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) to cities and neighboring retail public utilities providing the same utility service whose corporate limits or certificated service area boundaries are within two miles from the outer boundary of the requested area, and any city with an extraterritorial jurisdiction that overlaps 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:
 - Acton Municipal Utility District, CCN Nos. 12971 and 20889
 - Aqua Texas Inc, CCN Nos. 13201 and 21059
 - Brazos River Authority
 - Lake Granbury Water Improvement District
 - Upper Trinity GCD
 - Hood County Judge Darrell Cockerham
- 3) File in the docket an affidavit specifying every person and entity to whom notice was provided, the date that the notice was provided, and one copy of the notice as it 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

LGRVR WATER SUPPLY CORPORATION NOTICE OF INTENT TO PURCHASE FACILITIES AND TO TRANSFER WATER AND SEWER SERVICE AREA UNDER CCN NOS. 12884 AND 20854 FROM FALL CREEK UTILITY COMPANY, INC., IN HOOD COUNTY, TEXAS

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

(Address)

(City State Zip)

<u>LGRVR Water Supply Corporation</u>	<u>5711 Coffee Pot Lane</u>	<u>Granbury, TX</u>	<u>76049</u>
(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 water and sewer facilities and to transfer water and sewer service area under CCN Nos. 12884 and 20854 in Hood County, TX from:

<u>Fall Creek Utility Company, Inc.</u>	<u>5711 Coffee Pot Lane</u>	<u>Granbury, TX</u>	<u>76049</u>
(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 subdivision: Fall Creek/Lake Granbury RV Ranch

The area subject to this transaction is located approximately 4 miles south of downtown Acton, Texas, and is generally bounded on the north by Gee Road; on the east by Johnson Road; on the south by Rollins Road; and on the west by Rainey Court.

The total requested area for the CCNs being transferred includes approximately 22 acres and 71 water and 69 sewer current customers.

This transaction will have the following effect on the current customers' rates and services: No change.

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.

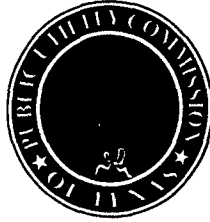
If a valid public hearing is requested, the Commission will forward the application to the State Office of Administrative Hearings (SOAH) for a hearing. If no settlement is reached and an evidentiary hearing is held, SOAH will submit a recommendation to the Commission for a final decision. An evidentiary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

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. 48103

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 _____