



Control Number: 48104



Item Number: 8

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DOCKET NO. 48104

RECEIVED

APPLICATION OF RINCON WATER
SUPPLY CORPORATION TO
AMEND CERTIFICATE OF
CONVENIENCE AND NECESSITY
IN SAN PATRICIO COUNTY

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PUBLIC UTILITY COMMISSION
OF TEXAS

2018 MAY 24 AM 11:03
PUBLIC UTILITY COMMISSION
FILING CLERK

**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 in response to Order No. 2, files this Supplemental 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 February 26, 2018, Rincon Water Supply Corporation (Rincon WSC) filed an application to amend its water Certificate of Convenience and Necessity (CCN) No. 11440 in San Patricio County. The total area being requested includes approximately 123 acres and no current customers.

On March 29, 2018, Order No. 2 was issued establishing a deadline of May 25, 2018, for Staff to file a supplemental recommendation on the administrative completeness of the application and propose a procedural schedule for further processing of the application. Therefore, this pleading is timely filed.

II. ADMINISTRATIVE COMPLETENESS

As further detailed in the attached memorandum of Andrew Novak in the Commission's Water Utility Regulation Division, Staff has reviewed the application and recommends that it be found administratively complete and accepted for filing.

III. NOTICE

As detailed in the attached memorandum, Staff recommends that Rincon WSC proceed with providing public notice and be directed to use the attached forms to provide such notice to the following persons, political subdivisions and other entities:

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- 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. affected customers
- f. publish notice once each week for two (2) consecutive weeks in a newspaper of general circulation in San Patricio County.

In addition, Staff recommends that Rincon WSC provide correct notice of the application to the following entities:

- City of Corpus Christi
- City of Portland (CCN No. 10541)
- Corpus Christi Aquifer Storage & Recovery Conservation District
- Nueces River Authority
- Port of Corpus Christi Authority
- San Patricio County Drainage District
- San Patricio County Groundwater Conservation District
- San Patricio County Judge
- San Patricio MWD

Along with each individual notice, Staff recommends that Rincon WSC provide an accurate map delineating the requested service area. Additionally, Staff recommends that Rincon WSC file in the docket an affidavit specifying every person and entity to whom notice was provided and the date that such notice was provided within thirty (30) days of the date of the notice. Further, Staff recommends that Rincon WSC file the publisher's affidavit for proof of newspaper publication. It is recommended that Rincon WSC use the attached notices and affidavits to meet these requirements.

IV. PROCEDURAL SCHEDULE

Staff proposes the following procedural schedule:

Event	Date
Deadline for Rincon WSC 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	July 10, 2018
Deadline for Staff to file a recommendation on sufficiency of notice and propose a supplemental procedural schedule	Within 10 days of Rincon WSC filing proof of completed notice with the Commission
Deadline to intervene	30 days after notice is issued

V. CONCLUSION

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

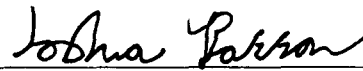
Dated: May 24, 2018

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Katherine Lengieza Gross
Managing Attorney



Joshua Adam Barron
State Bar No. 24087146
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7235
(512) 936-7268 (facsimile)
Joshua.barron@puc.texas.gov

DOCKET NO. 48104

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on May 24, 2018 in accordance with 16 TAC § 22.74.



Joshua Adam Barron

PUC Interoffice Memorandum

To: Joshua Barron
Legal Division

Thru: Lisa Fuentes, Manager
Water Utility Regulation Division

From: Andrew Novak, Financial Analyst
Gary Horton Jr., GIS Specialist
Water Utility Regulation Division

Date: May 25, 2018

Subject: **Docket 48104**, *Application of Rincon Water Supply Corporation to Amend Certificate of Convenience and Necessity in San Patricio County*

On February 26, 2018, Rincon Water Supply Corporation (Rincon WSC or Applicant) filed with the Public Utility Commission of Texas (Commission) an application to amend its water Certificate of Convenience and Necessity (CCN) No. 11440 in San Patricio County, Texas pursuant to Texas Water Code Ann. (TWC) §§ 13.242 to 13.250 and the 16 Tex. Admin Code (TAC) §§ 24.101 to 24.107.

A Staff review of the additional information filed by the Applicant on April 6, 2018 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) affected customers
 - f) publish notice once each week for two (2) consecutive weeks in a newspaper of general circulation in San Patricio County.
- 2) Provide correct notice of the application to the following entities:
 - a) City of Corpus Christi
 - b) City of Portland (CCN No. 10541)
 - c) Corpus Christi Aquifer Storage & Recovery Conservation District
 - d) Nueces River Authority
 - e) Port of Corpus Christi Authority
 - f) San Patricio County Drainage District
 - g) San Patricio County Groundwater Conservation District

- h) San Patricio County Judge
- i) San Patricio MWD

- 3) Provide an accurate map delineating the requested service area with each individual notice to neighboring utilities, other affected parties, landowners 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/>.
- 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. It is recommended that the Applicant use the attached notice and affidavit to meet these requirements.

Notice for Publication

**NOTICE OF APPLICATION TO AMEND A CERTIFICATE OF CONVENIENCE AND
NECESSITY (CCN) TO PROVIDE WATER UTILITY SERVICE IN SAN PATRICIO
COUNTY, TEXAS**

Rincon Water Supply Corporation has filed an application with the Public Utility Commission of Texas to amend its Certificate of Convenience and Necessity for CCN No. 11440 for the provision of retail Water utility service in San Patricio County.

The requested area is located approximately 3 mile(s) west of downtown Portland, Texas, and is generally bounded on the north by CR 2202; on the east by CR 3463; on the south by Nueces Bay; and on the west by CR 2202. The total requested area includes approximately 120 acres and 0 current customers.

A copy of the map showing the requested area is available at: 8896 CR 1458
Taft, TX 78390

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 1-888-782-8477.

Notice to Neighboring Systems, Landowners, Customers and Cities
NOTICE OF APPLICATION TO AMEND A CERTIFICATE OF CONVENIENCE AND NECESSITY
(CCN) TO PROVIDE WATER UTILITY SERVICE IN SAN PATRICIO COUNTY, TEXAS

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

(Address)

(City State Zip)

Date Notice Mailed: _____, 2018

Rincon Water Supply Corporation has filed an application with the Public Utility Commission of Texas to amend its Certificate of Convenience and Necessity for CCN No. 11440 for the provision of retail Water utility service in San Patricio County.

The requested area is located approximately 3 mile(s) west of downtown Portland, Texas, and is generally bounded on the north by CR 2202; on the east by CR 3463; on the south by Nueces Bay; and on the west by CR 2202. The total requested area includes approximately 120 acres and 0 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.

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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, LANDOWNERS, NEIGHBORING UTILITIES AND AFFECTED PARTIES

DOCKET NO. **48104**

STATE OF TEXAS

COUNTY OF _____

_____ has provided individual notice to the following entities, landowners 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. **48104**

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 _____