



Control Number: 48111



Item Number: 5

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RECEIVED

APPLICATION OF H2O SYSTEMS  
PLUS/COLETO WATER SYSTEM  
AND JRM WATER, LLC DBA JRM  
TO TRANSFER FACILITIES AND  
CERTIFICATE RIGHTS IN  
VICTORIA COUNTY

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PUBLIC UTILITY COMMISSION

OF TEXAS

2018 MAR 27 PM 1:18  
PUBLIC UTILITY COMMISSION  
FILING 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 27, 2018, H2O Systems Plus/Coleto Water System (H2O) and JRM Water, LLC dba JRM (JRM) (collectively, Applicants) filed an application for sale, transfer, or merger of facilities and certificate rights in Victoria County, Texas. Specifically, JRM seeks approval to acquire facilities and to transfer all water service area from H2O Systems Plus under water Certificate of Convenience and Necessity (CCN) No. 11548. The requested area includes approximately 437 acres and 211 connections.

On March 1, 2018, Order No. 1 was issued, establishing a deadline of March 27, 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 Brannon Pennick 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 notice of the application to the following:
  - a) Goliad County WSC (CCN No. 13028);
  - b) Guadalupe-Blanco River Authority;
  - c) San Antonio River Authority;
  - d) Victoria County Groundwater Conservation District;
  - e) Victoria County Navigation District; and
  - f) Victoria County Judge.
- 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:

<b>Event</b>	<b>Date</b>
Deadline for Applicants to file proof of notice with the Commission	April 26, 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

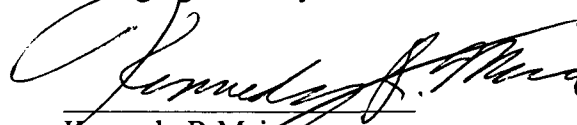
For the reasons detailed above, Staff recommends that the application be found administratively complete, that Applicants be directed to provide notice as detailed above and in the attached memorandum, and that the procedural schedule proposed above be adopted.

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Margaret Uhlig Pemberton  
Division Director

Katherine Lengieza Gross  
Managing Attorney

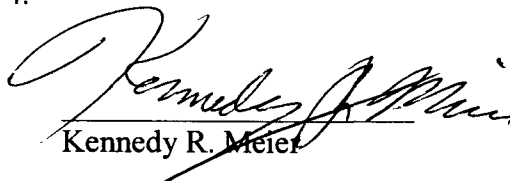


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**DOCKET NO. 48111**

**CERTIFICATE OF SERVICE**

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



Kennedy R. Meier

## PUC Interoffice Memorandum

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**To:** Kennedy Meier  
Legal Division

**Thru:** Lisa Fuentes, Manager  
Water Utility Regulation Division

**From:** Brannon Pennick, Engineering Specialist  
Water Utility Regulation Division

**Date:** March 26, 2018

**Subject:** **Docket No. 48111, *Application of H2O Systems Plus/Coletto Water System and JRM Water, LLC dba JRM to Transfer Facilities and Certificate Rights in Victoria County***

On February 27, 2018, JRM Water, LLC dba JRM (Purchaser or JRM) and H2O Systems Plus/Coletto Water System (Seller or H2O Systems Plus), collectively (Applicants) filed an application for Sale, Transfer, or Merger (STM) of facilities and certificate rights in Victoria County, Texas, pursuant to Texas Water Code Ann. (TWC) § 13.301 and the 16 Texas Administrative Code (TAC) § 24.109. Specifically, JRM seeks approval to acquire facilities and to transfer all water service area from H2O Systems Plus under water Certificate of Convenience and Necessity (CCN) No. 11548. The requested area includes approximately 437 acres and 211 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 Applicants do the following:

- 1) Provide notice of the application to the following:
  - a) notice 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 notice of the application to the following:
  - Goliad County WSC (CCN No. 13028)
  - Guadalupe-Blanco River Authority
  - San Antonio River Authority
  - Victoria County Groundwater Conservation District
  - Victoria County Navigation District
  - Victoria County Judge
- 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**

JRM WATER LLC DBA JRM'S NOTICE OF INTENT TO PURCHASE WATER FACILITIES  
AND TO TRANSFER WATER SERVICE AREA UNDER CERTIFICATE OF CONVENIENCE  
AND NECESSITY NO. 11548 FROM H2O SYSTEMS PLUS/COLETO WATER SYSTEM IN  
VICTORIA COUNTY, TEXAS

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

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(City State Zip)

JRM Water, LLC dba JRM	308 Gail Lane	Victoria, TX	77905
(Purchaser's or Transferee's Name)	(Address)	(City) (State)	(Zip Code)

has submitted an application with the Public Utility Commission of Texas to purchase water facilities and to transfer water service area under CCN No. 11548 in Victoria County, TX from:

H2O Systems Plus	308 Gail Lane	Victoria, TX	77901
(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: Shady Oaks.

The area subject to this transaction is located approximately 9.5 miles southwest of downtown Victoria, Texas, and is generally bounded on the north by the intersection of US-59 and Coletto Creek; on the east by Coletto Creek; on the south by Reeves Ranch Park Road; and on the west by US-59 and 730 feet west of Winding Way Dr. W. The total requested area for the water CCN being transferred includes approximately 437 acres and 211 current customers.

This transaction will not have an effect on the current customers' rates and services.

*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. **48111**

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 \_\_\_\_\_