



Control Number: 48299



Item Number: 12

Addendum StartPage: 0

DOCKET NO. 48299

RECEIVED

APPLICATION OF LEVI WATER §
SUPPLY CORPORATION TO §
AMEND A WATER CERTIFICATES §
OF CONVENIENCE AND §
NECESSITY IN MCLENNAN §
AND FALLS COUNTIES §

PUBLIC UTILITY COMMISSION 2018 JUN 18 PM 1:48
OF TEXAS 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 April 19, 2018, Levi Water Supply Corporation (Levi WSC) filed an application to amend its water Certificate of Convenience and Necessity (CCN) No. 10018 in McLennan and Falls Counties, Texas. Levi WSC filed supplemental information on June 8, 2018.

On May 22, 2018, Order No. 2 was issued, establishing a deadline of July 18, 2018 for Staff to file supplemental comments on the administrative completeness of the application and proposed notice and propose a procedural schedule. This pleading is therefore timely filed.

II. ADMINISTRATIVE COMPLETENESS AND PROPOSED NOTICE

As detailed in the attached memorandum from Gregory Charles in the Commission's Water Utility Regulation Division, Staff has reviewed the application and recommends that it be found administratively complete. Staff recommends that the Applicant be required to provide notice as detailed in the attached memorandum.

12

III. PROCEDURAL SCHEDULE

Staff recommends the following procedural schedule:

Event	Date
Deadline for Applicant 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	September 4, 2018
Deadline for Staff to file a recommendation on sufficiency of notice	Within 10 days of Applicant filing proof of completed notice with the Commission
Deadline to intervene	30 days after notice is issued

IV. CONCLUSION

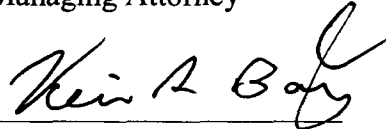
For the reasons discussed above, Staff recommends that the application be found administratively complete. Staff further recommends that the procedural schedule proposed above be adopted for further processing of this docket and that the Applicant be required to provide notice as detailed in the attached memorandum.

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Katherine Lengieza Gross
Managing Attorney

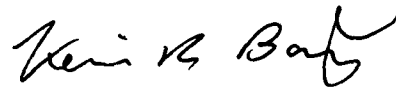


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DOCKET NO. 48299

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record July 18, 2018,
in accordance with 16 TAC § 22.74.



Kevin R. Bartz

PUC Interoffice Memorandum

To: Kevin Bartz, Attorney
Legal Division

Through: Lisa Fuentes, Manager
Water Utility Regulation Division

From: Greg Charles, Engineer
Water Utility Regulation Division

Date: July 18, 2018

Subject: **Docket No. 48299:** *Application of Levi Water Supply Corporation to Amend a Water Certificate of Convenience and Necessity in McLennan and Falls Counties.*

On April 19, 2018, Levi Water Supply Corporation (Levi WSC or Applicant) filed with the Public Utility Commission of Texas (Commission) an application to amend a water Certificate of Convenience and Necessity (CCN) No. 10018, and to obtain dual certification with a portion of the City of Waco's CCN No. 10039, pursuant to Texas Water Code Ann. (TWC), §§ 13.242 to 13.250 and the 16 Tex. Admin Code (TAC) §§ 24.101 to 24.107.

On June 8, 2018, and July 12, 2018, the Applicant filed additional information in response to Staff's Request for Information No. 1 and Commission Order No. 2. Staff has reviewed the information and recommends the application be deemed administratively complete and sufficient for filing. Staff further recommends the Applicant be ordered to do the following:

- 1) Provide notice of the application to the following:
 - a) any districts, utilities, and cities within two (2) miles of the proposed area;
 - b) the county judge of each county and each groundwater conservation district that is wholly or partly included in the proposed area to be certified;
 - c) each city with an extraterritorial jurisdiction (ETJ) that is wholly or partly included in the proposed area to be certified; 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;
 - e) any affected customers, and other affected parties in the requested area; and
 - f) publish notice once each week for two (2) consecutive weeks in a newspaper of general circulation in McLennan and Falls Counties.

- 2) Provide notice of the application to the following:
 - City of Bruceville Eddy, CCN No. 11285
 - City of Hewitt, CCN No. 10038
 - City of Lorena, CCN No. 10030
 - City of Waco, CCN No. 10039
 - Golinda WSC, CCN No. 10009
 - Spring Valley WSC, CCN No. 11287
 - Sudduth Water System, CCN No. 12118
 - West Brazos WSC, CCN No. 11283
 - Brazos River Authority

- Castleman Creek Water shed Association
 - City of Golinda
 - City of Robinson
 - Southern Trinity GCD
 - McLennan County Judge Scott M. Felton
 - Falls County Judge Jay T. Elliot
- 3) Provide an accurate map delineating the requested service area with each individual notice to neighboring utilities, other affected parties, landowner and customers. Information related to districts, including addresses, can be obtained from the TCEQ's web site located at <http://www14.tceq.texas.gov/iwud/>.
- 4) File in the docket a map along with an affidavit specifying every person and entity to whom notice was provided, the date that the notice was provided and the publisher's affidavit for proof of newspaper publication. It is recommended that the Applicant use the attached notices and affidavits to meet these requirements.

Notice to Neighboring Systems, Cities and Customers

LEVI WATER SUPPLY CORPORATION'S NOTICE OF APPLICATION TO AMEND ITS CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) NO. 10018 AND TO OBTAIN DUAL CERTIFICATION WITH A PORTION OF THE CITY OF WACO'S CCN NO. 10039 FOR THE PROVISION OF WATER SERVICE IN MCLENNAN AND FALLS COUNTIES, TEXAS

To: _____
(Name of neighboring systems, cities and landowners)

(Address)

(City State Zip)

Date Notice Mailed: ____, 2018

Levi Water Supply Corporation has submitted an application with the Public Utility Commission of Texas to amend its water CCN No. 10018 and to obtain dual certification with a portion of the City of Waco's CCN No. 10039 in McLennan and Falls Counties.

The requested area is located approximately 2 miles west of downtown Golinda, TX, and is generally bounded on the north by Farm to Market Road 3148; on the east by South Robinson Dr.; on the south by State Highway 7; and on the west by Interstate 35. The total area being requested includes approximately 843 acres and 167 current customers.

See enclosed map of the proposed service 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.

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.

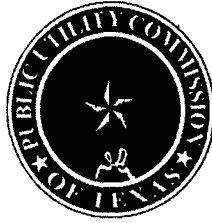
A landowner with a tract of land at least 25 acres or more, that is partially or wholly located within the requested area, may file a written request with the Commission to be excluded from the requested area ("opt out") within (30) days from the date that notice was provided by the Utility. All opt 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 North Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326

Si desea informacion en Espanol, puede llamar al 1-512-936-7221

PUBLIC UTILITY COMMISSION



AFFIDAVIT OF NOTICE TO NEIGHBORING UTILITIES, LANDOWNER, CUSTOMERS AND
AFFECTED PARTIES
DOCKET NO. 48299

STATE OF TEXAS
COUNTY OF _____

has provided individual notice to the following:

	DATE
_____	_____
_____	_____
_____	_____
_____	_____

OATH

I, _____, being duly sworn, file this form as
_____ (indicate relationship to applicant, that is owner,
member or 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 forth
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 _____, 2018, 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 _____

NOTICE FOR PUBLICATION

LEVI WATER SUPPLY CORPORATION'S NOTICE OF APPLICATION TO AMEND ITS CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) NO. 10018 AND TO OBTAIN DUAL CERTIFICATION WITH A PORTION OF THE CITY OF WACO'S CCN NO. 10039 FOR THE PROVISION OF WATER SERVICE IN MCLENNAN AND FALLS COUNTIES, TEXAS

Levi Water Supply Corporation has submitted an application with the Public Utility Commission of Texas to amend its water CCN No. 10018 and to obtain dual certification with a portion of the City of Waco's CCN No. 10039 in McLennan and Falls Counties.

The requested area is located approximately 2 miles west of downtown Golinda, TX, and is generally bounded on the north by Farm to Market Road 3148; on the east by South Robinson Dr.; on the south by State Highway 7; and on the west by Interstate 35. The total area being requested includes approximately 843 acres and 167 current customers.

A copy of the map may be viewed at: Levi WSC, 2757 Rosenthal Parkway, Lorena, , TX, 76655, 254-857-3050.

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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PUBLIC UTILITY COMMISSION



PUBLISHER'S AFFIDAVIT
DOCKET NO. 48299

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 _____