



Control Number: 48350



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DOCKET NO. 48350

APPLICATION OF THE CITY OF DAYTON FOR § BEFORE THE PUBLIC UTILITY  
CERTIFICATES OF CONVENIENCE AND §  
NECESSITY IN LIBERTY AND HARRIS COUNTIES § COMMISSION OF TEXAS

MOTION OF RIVER RANCH MUNICIPAL UTILITY DISTRICTS NO. 2, 3, 4, 5, 6, 7, 13, 14 AND 15  
TO INTERVENE AND REQUEST FOR HEARING

COME NOW River Ranch Municipal Utility District No. 2 ("RR MUD 2"), River Ranch Municipal Utility District No. 3 ("RR MUD 3"), River Ranch Municipal Utility District No. 4 ("RR MUD 4"), River Ranch Municipal Utility District No. 5 ("RR MUD 5"), River Ranch Municipal Utility District No. 6 ("RR MUD 6"), River Ranch Municipal Utility District No. 7 ("RR MUD 7"), River Ranch Municipal Utility District No. 13 ("RR MUD 13"), River Ranch Municipal Utility District No. 14 ("RR MUD 14"), and River Ranch Municipal Utility District No. 15 ("RR MUD 15") (collectively, "the RR MUDs"), and files this Motion to Intervene and Request for Hearing ("Motion") in the above-referenced proceeding involving a water and sewer CCN application ("Application") by the City of Dayton, Texas ("Dayton"), and in support thereof shows as follows.

The name, address, telephone number, facsimile number and email address of the authorized representative of Movants RR MUDs is:

J. Davis Bonham, Jr.  
Smith, Murdaugh, Little & Bonham, L.L.P.  
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2018 AUG 20 AM 10:36  
Public Utility Commission  
FILING CLERK

Service of all pleadings and other documents should be made upon the authorized representative of the RR MUDs.

I. DISCUSSION

The RR MUDs are bodies politic and corporate and political subdivisions of the State of Texas, created and operating pursuant to Chapter 7991, Special District Local Laws Code (the "Act"). Under the Act, the purposes of the RR MUDs are among others to provide water and sewer service to land located within their boundaries. Portions of the RR MUDs are located within the water and sewer CCN area proposed by Dayton in the Application.

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On May 8, 2018, Dayton submitted to the Commission Dayton's Application to Obtain Water and Sewer Certificates of Convenience and Necessity in Liberty and Harris Counties.

Upon review of Dayton's filings in this docket, the RR MUDs are aware of notices dated June 18, 2018 mailed by Dayton to numerous individuals and entities. The RR MUDs did not receive notice from Dayton. The RR MUDs became aware of the Application because a landowner within the boundaries of the RR MUDs received a notice and provided a copy of same to the RR MUDs.

The Motion of the RR MUDs to Intervene and Request for Hearing is timely filed pursuant to Commission Staff's Recommendation on Sufficiency of Notice dated July 25, 2018, Commission Docket Item No. 54, which sets an August 20, 2018 intervention deadline.

## **II. MOTION TO INTERVENE**

The RR MUDs seek Intervenor status and are "affected persons" with respect to this docket in that the RR MUDs are "retail public utilit[ies] affected by [the requested] action of the regulatory authority." Tex. Water Code Sec. 13.002(1). Portions of the RR MUDs are located within the water and sewer CCN area proposed by Dayton in the Application. See attached Exhibit "A" attached hereto and by this reference made a part hereof.

The RR MUDs were created by the Act, effective June 1, 2017. The RR MUDs do not yet appear on the Water Districts Map Viewer of the Texas Commission on Environmental Quality. Nevertheless, the RR MUDs call Dayton's attention to the fact of the existence of the RR MUDs and assert that they did not receive notice of the Application from Dayton. To that limited extent, Dayton's provision of notice is deficient under Sec. 13.246, Tex. Water Code ("Notice and Hearing; Issuance or Refusal; Factors Considered").

Dayton seeks CCNs to provide exclusive water and sewer service across areas which include in part portions of the RR MUDs. The RR MUDs assert that among other impacts, the ability of the RR MUDs to serve customers would be adversely affected by the Commission's approval of the Application. Therefore the RR MUDs seek amendment of the area proposed to be certificated by Dayton in order to remove property within the boundaries of the RR MUDs from the area sought to be certificated.

The RR MUDs assert, without limitation, the adverse effect to the RR MUDs, which were created and exist to provide water and sewer service within the boundaries of the RR MUDs, by an approval of the Application and the granting of a certificate to Dayton to provide water and sewer service within the area as currently mapped.

### III. REQUEST FOR HEARING

The RR MUDs respectfully request a hearing on the City of Dayton's Application for the purpose of addressing the issues raised in this Motion.

### IV. CONCLUSION AND PRAYER

For the reasons set out above, the RR MUDs respectfully request that the Commission grant their Motion to Intervene and Request for Hearing, for removal of property within the boundaries of the RR MUDs from the area Dayton proposes to be certificated, and any and all further relief to which the RR MUDs may be entitled.

Respectfully submitted,

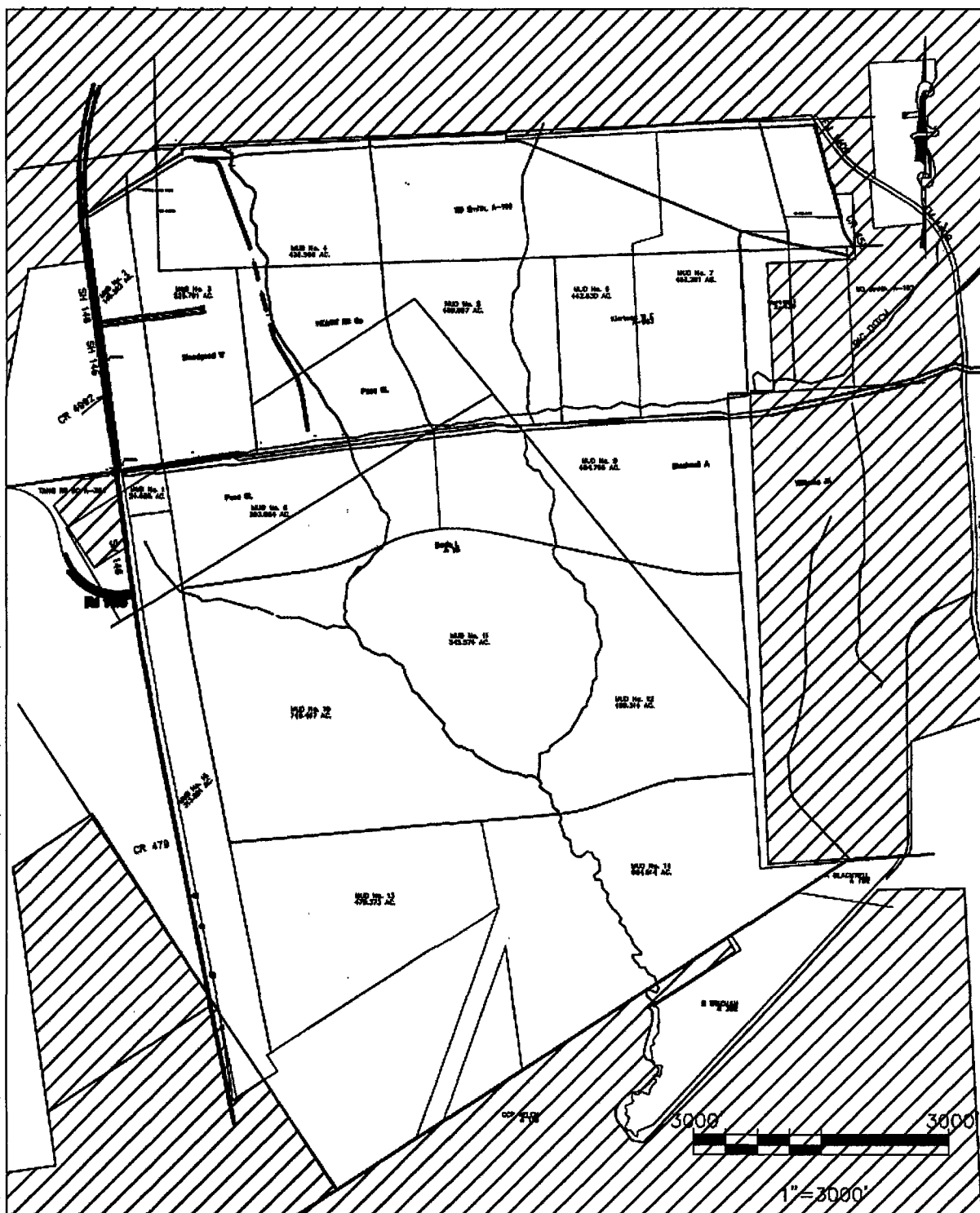
Smith, Murdaugh, Little & Bonham, L.L.P.

By: 

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River Ranch Municipal Utility District No. 6  
River Ranch Municipal Utility District No. 7  
River Ranch Municipal Utility District No. 13  
River Ranch Municipal Utility District No. 14  
River Ranch Municipal Utility District No. 15

# EXHIBIT "A"



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RIVER RANCH MUDS  
W/ DAYTON CCN

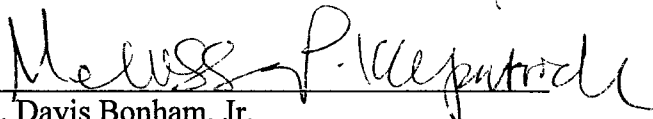
**CERTIFICATE OF SERVICE**

I hereby certify that on August 17, 2018, a true and complete copy of the foregoing document was served by first class mail and/or email to the following:

Hunter Burkhalter  
Public Utility Commission of Texas  
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