

Control Number: 48388



Item Number: 19

Addendum StartPage: 0

RECEIVED

APPLICATION OF CHUCK BELL §
DBA CHUCK BELL WATER §
SYSTEMS, LLC AND UNDINE §
TEXAS, LLC FOR SALE, §
TRANSFER, OR MERGER OF §
FACILITIES AND CERTIFICATE §
RIGHTS IN JOHNSON AND §
TARRANT COUNTIES §

2018 AUG 20 AM 11:26
PUBLIC UTILITY COMMISSION
PUBLIC UTILITY COMMISSION
FILING CLERK
OF TEXAS

**COMMISSION STAFF'S SUPPLEMENTAL 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. 2, files this Supplemental 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 May 24, 2018, Chuck Bell d/b/a Chuck Bell Water Systems, LLC and Undine Texas, LLC (Applicants), filed an application for sale, transfer, or merger of facilities and certificate rights in Johnson and Tarrant Counties. Applicants wish to transfer Chuck Bell's facilities and water service area under certificate of convenience and necessity number 12190 to Undine Texas, LLC. The transfer includes approximately 598 acres and approximately 305 current customers. Applicants filed supplemental information on July 20, 2018, July 24, 2018 and August 16, 2018.

On June 22, 2018, Order No. 2 was issued establishing a deadline of August 20, 2018, for Staff to file a supplemental recommendation on the administrative completeness of the application and notice and propose a procedural schedule for further processing of the application. Therefore, this pleading is timely filed.

II. ADMINISTRATIVE COMPLETENESS

As supported in the attached memorandum from Emily Sears, in the Commission's Water Utility Regulation Division, Staff has reviewed the application and supplemental information and recommends that the application be found administratively complete. Staff further recommends

that applicants be required to file notice and proof of that notice as described in the attached memorandum.

III. 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.	September 21, 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 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.

Dated: August 20, 2018

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Karen S. Hubbard
Managing Attorney

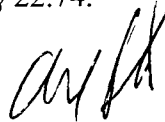


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DOCKET NO. 48388

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on August 20, 2018, in accordance with 16 Texas Administrative Code § 22.74.



Alexander Petak

PUC Interoffice Memorandum

To: Alexander Petak, Attorney
Legal Division

Thru: Lisa Fuentes, Manager
Water Utility Regulation

From: Emily Sears, Financial Analyst
Water Utility Regulation

Date: August 17, 2018

Subject: **Docket No. 48388**, *Application of Chuck Bell dba Chuck Bell Water Systems, LLC and Undine Texas, LLC for Sale, Transfer, or Merger of Facilities and Certificate Rights in Johnson and Tarrant Counties*

On May 24, 2018, Chuck Bell dba Chuck Bell Water Systems, LLC (Seller) and Undine Texas, LLC (Purchaser) (collectively, Applicants) filed an application for Sale, Transfer, or Merger (STM) of facilities and certificate rights in Johnson and Tarrant Counties, Texas, pursuant to Texas Water Code Ann. (TWC) § 13.301 and the 16 Tex. Admin Code (TAC) § 24.109. Specifically, the Purchaser seeks approval to amend their Certificate of Convenience and Necessity (CCN) No. 13260, and to acquire facilities, transfer all water service area and cancel the Seller's CCN No. 12190. The requested area includes approximately 598 acres and 305 connections.

A Staff review of the additional information filed by the Applicant on August 16, 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, 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;
 - d) landowners who own a tract of land that is at least 25 acres and is wholly or partially included 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) any affected customers, and other affected parties in the requested area;
 - f) publish notice once each week for two (2) consecutive weeks in a newspaper of general circulation in Johnson and Tarrant Counties.

- 2) Provide correct notice of the application to the following entities:
 - Aqua Texas Inc (CCN No. 13201)
 - Bethesda WSC (CCN No. 10089)

- Brazos River Authority
- City of Cleburne (CCN No. 10917)
- City of Fort Worth (CCN No. 12311)
- City of Keene (CCN No. 10905)
- Crest Water Company (CCN No. 12037)
- Johnson County Judge
- Johnson County SUD (CCN No. 10081)
- Monarch Utilities I LP (CCN No. 12983)
- North Whispering Meadows Water (CCN No. 12621)
- Northern Trinity GCD
- Prairielands GCD
- Shelcon Company (CCN No. 13055)
- Tarrant County Judge
- Tarrant Regional Water District
- Trinity River Authority of Texas

- 3) Provide an accurate map delineating the requested 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's web site located at <http://www14.tceq.texas.gov/iwud/>.
- 4) Within 30 days of the date of the notice, file in the docket a map and copy of notice 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 notice and affidavit to meet these requirements.

Notice for Publication

UNDINE TEXAS, LLC, CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) NO. 13260, NOTICE OF INTENT TO PURCHASE FACILITIES, TRANSFER WATER SERVICE AREA AND CANCEL CHUCK BELL DBA CHUCK BELL WATER SYSTEMS, LLC'S CCN NO. 12190 IN JOHNSON AND TARRANT, TEXAS

Undine Texas, LLC, has filed an application with the Public Utility Commission of Texas to amend their water service area and to purchase water facilities, transfer water service area and cancel Chuck Bell dba Chuck Bell Water Systems, LLC's CCN No. 12190, in Johnson and Tarrant Counties, TX.

Bear Creek (Tarrant County)

- The requested area is located approximately 15 miles southwest of downtown Fort Worth, TX, and is generally bounded on the north by Ben Day Murrin Road; on the east by Mustang Wells Drive; on the south by a line 550' south of Bear Creek Drive East; and on the west by a line 1200' west of Bear Creek Drive East. The requested area includes approximately 39 total acres and 20 current customers.

Bell Manor Estates (Johnson County)

- The requested area is located approximately 6 miles west of downtown Burleson, TX, and is generally bounded on the north by a line 350' north of Sparks Lane; on the east by FM 1902; on the south by CR 920; and on the west by a line 500' east of Valley View Road. The requested area includes approximately 63 total acres and 23 current customers.

Buffalo Creek Estates (Johnson County)

- The requested area is located approximately 4 miles northeast of downtown Cleburne, TX, and is generally bounded on the north by a line 700' north of Steinway Lane; on the east by CR 801A; on the south by CR 801A; and on the west by East Buffalo Creek. The requested area includes approximately 130 total acres and 49 current customers.

Crowley Two Acres Addition (Johnson County)

- The requested area is located approximately 8 miles west of downtown Burleson, TX, and is generally bounded on the north by a line 0.5 mile north of CR 920; on the east by CR 1015; on the south by Chisholm Trail; and on the west by Anna Dale Lane and East Chisholm Court. The requested area includes approximately 5 total miles of 'facilities only' lines and 81 current customers.

John Dame Addition (Johnson County)

- The requested area is located approximately 8 miles west of downtown Burleson, TX, and is generally bounded on the north by a line 0.5 mile north of CR 920; on the east by Creekview Street; on the south by CR 920; and on the west by a line 450' west of Frazier Lane. The requested area includes approximately 96 total acres and 48 current customers.

Martin Creek Estates (Johnson County)

- The requested area is located approximately 6 miles northwest of downtown Cleburne, TX, and is generally bounded on the north by a line 0.5 mile north of CR 902; on the east by a line 0.4 mile east of Martin Creek Drive; on the south by CR 902; and on the west by Martin Creek. The requested area includes approximately 68 total acres and 23 current customers.

Rock Creek Estates (Johnson County)

- The requested area is located approximately 7 miles west of downtown Burleson, TX, and is generally bounded on the north by a line 260' north of Rock Creek Road; on the east by Rock Creek; on the south by a line 640' south of Overview Drive; and on the west by a line 0.35 mile west of Sunrise Drive. The requested area includes approximately 101 total acres and 36 current customers.

Sanders View Addition (Johnson County)

- The requested area is located approximately 4 miles northeast of downtown Cleburne, TX, and is generally bounded on the north by a line 430' north of Sanders Road; on the east by CR 701; on the south by CR 701; and on the west by Hopewell Road. The requested area includes approximately 101 total acres and 25 current customers.

A copy of the map showing the requested area is available at: Cleburne Public Library, 302 W Henderson St., Cleburne, Texas 76033, (817) 645-0934

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 Current Customers, Neighboring Systems, Landowners and Cities
UNDINE TEXAS, LLC, CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) NO. 13260, NOTICE OF INTENT TO PURCHASE FACILITIES, TRANSFER WATER SERVICE AREA AND CANCEL CHUCK BELL DBA CHUCK BELL WATER SYSTEMS, LLC'S CCN NO. 12190 IN JOHNSON AND TARRANT, TEXAS

To: _____ Date Notice Mailed: _____, 201__
(Name of Customer, Neighboring System, or City)

(Address)

(City State Zip)

Undine Texas, LLC 10913 Metronome Dr. Houston, Texas 77043
(Purchaser's Name) (Address) (City), (State) (Zip Code)

has submitted an application with the Public Utility Commission of Texas (Commission) to amend their water service area, and to purchase facilities, transfer service area and cancel water CCN No. 12190 in Johnson and Tarrant Counties, TX of:

Chuck Bell dba Chuck Bell Water Systems, LLC P.O. Box 731 Crowley, Texas 76036
(Seller'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).

Bear Creek (Tarrant County)

- The requested area is located approximately 15 miles southwest of downtown Fort Worth, TX, and is generally bounded on the north by Ben Day Murrin Road; on the east by Mustang Wells Drive; on the south by a line 550' south of Bear Creek Drive East; and on the west by a line 1200' west of Bear Creek Drive East. The requested area includes approximately 39 total acres and 20 current customers.

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This transaction will not have an effect on the current customer’s 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.

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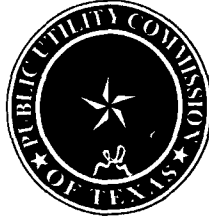
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Si desea información en español, puede llamar al 1-888-782-8477.

Utility Representative

Utility Name

PUBLIC UTILITY COMMISSION



AFFIDAVIT OF NOTICE TO CURRENT CUSTOMERS, NEIGHBORING UTILITIES AND
AFFECTED PARTIES
DOCKET NO. 48388

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.

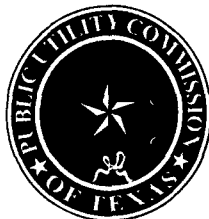
Subscribed and sworn to before me this _____ day of _____, 20____,
to certify which witness my hand and seal of office.

Notary Public in and for the State of Texas

Print or Type Name of Notary Public

Commission Expires _____

PUBLIC UTILITY COMMISSION



PUBLISHER'S AFFIDAVIT
DOCKET NO. 48388

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 _____