



Control Number: 48565



Item Number: 6

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DOCKET NO. 48565

**APPLICATION OF AQUA TEXAS
INC. AND TOWN OF BUFFALO GAP
FOR SALE, TRANSFER, OR MERGER
OF FACILITIES AND CERTIFICATE
RIGHTS IN TAYLOR COUNTY
(GAP WATER SYSTEM)** §
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§

PUBLIC UTILITY COMMISSION

OF TEXAS

2018 AUG 30 PM 4:09
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 August 2, 2018, Aqua Texas Inc. (Aqua) and Town of Buffalo Gap (Buffalo Gap) (collectively, Applicants), filed an application for sale, transfer, or merger of facilities and certificate rights Taylor County. Specifically, Aqua wishes to sell a portion of its water CCN number 13201 and transfer its Gap Water System facilities to Buffalo Gap. Buffalo Gap will obtain a new CCN. The requested area includes approximately 1,782 acres and 269 connections.

On August 7, 2018, Order No. 1 was issued establishing a deadline of September 3, 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. Therefore, this pleading is timely filed.

II. ADMINISTRATIVE COMPLETENESS

As detailed in the attached memorandum of Sherrie Keylon, in the Commission's Water Utility Regulation Division, Staff has reviewed the application and recommends that the application be found administratively complete pursuant to 16 Texas Administrative Code (TAC) §§ 24.109 and 24.119.

III. NOTICE

The Commission's notice requirement for sale, transfer, merger applications are provided by 16 TAC § 24.109. Specifically, Staff recommends the Applicants be ordered to provide notice according to the attached memorandum of Sherrie Keylon using the attached forms for notice, affidavit of notice to current customers, neighboring utilities and affected parties, and publisher's affidavit.

IV. PROCEDURAL SCHEDULE

Staff recommends the application be found administratively complete. Staff therefore proposes the following procedural schedule:

Event	Date
Deadline for Applicants to file notices and affidavits of proof of notice	October 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 for intervention; deadline for intervenors to request a hearing on the merits	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 in the attached memorandum, and that the procedural schedule proposed above be adopted.

Dated: August 30, 2018

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

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Karen Hubbard

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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on August 30, 2018, in accordance with 16 Texas Administrative Code § 22.74.

Karen Hubbard

Karen S. Hubbard

PUC Interoffice Memorandum

To: Skyler Collins, Attorney
Legal Division

Thru: Lisa Fuentes, Manager
Water Utility Regulation Division

From: Sherrie Keylon, Financial Analyst
Water Utility Regulation Division

Date: August 29, 2018

Subject: **Docket No. 48565**, *Application of Town of Buffalo Gap, Texas and Aqua Texas, Inc. for Sale, Transfer, or Merger of Facilities and Certificate Rights in Taylor County*

On August 2, 2018, Town of Buffalo Gap, Texas (Buffalo Gap or Buyer) and the Aqua Texas, Inc. (Aqua Texas or Seller) (collectively, Applicants) filed an application for Sale, Transfer, or Merger (STM) of facilities and certificate rights in Taylor County, Texas, pursuant to Texas Water Code Ann. (TWC) § 13.301 and the 16 Texas Administrative Code (TAC) § 24.109. Specifically, the Buffalo Gap seeks approval to acquire certain facilities and to transfer a portion water service area from Aqua Texas' water Certificate of Convenience and Necessity (CCN) No. 13201. The requested area includes approximately 1,782 acres and 269 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) 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) any affected customers, and other affected parties in the requested area; and publish notice once each week for two (2) consecutive weeks in a newspaper of general circulation in Taylor County.
- 2) Provide correct notice of the application to the following entities:
 - Brazos River Authority
 - Lower Colorado River Authority
 - Steamboat Mountain WSC (CCN No. 11370)
 - Taylor County Judge
- 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) 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 notices and affidavits to meet these requirements.

Notice to Neighboring Systems, Customers and Cities

CITY OF BUFFALO GAP'S NOTICE OF INTENT TO OBTAIN A CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) AND TO PURCHASE CERTAIN FACILITIES AND TRANSFER A PORTION OF AQUA TEXAS, INC.'S WATER CCN NO. 13201 IN TAYLOR COUNTY, TEXAS

To: _____ Date Notice Mailed: _____, 2018
(Neighboring System, Customer or City)

(Address)

(City) State Zip)

<u>City of Buffalo Gap</u>	<u>P. O. Box 506</u>	<u>Buffalo Gap, TX</u>	<u>79508</u>
(Purchaser's Name)	(Address)	(City), (State)	(Zip Code)

has submitted an application with the Public Utility Commission of Texas (Commission) to purchase facilities and to transfer a portion of service area of CCN No. 13201, in Taylor County, TX from:

<u>Aqua Texas, Inc.</u>	<u>1106 Clayton Lane, Ste. 400W</u>	<u>Austin, TX</u>	<u>78723</u>
(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). The transaction and the transfer of the CCN includes the following subdivision:

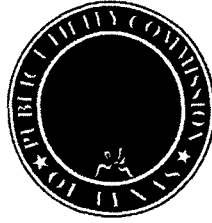
The requested area is located approximately 0 mile(s) east of downtown Town of Buffalo Gap, Texas, and is generally bounded on the north by Buffalo Gap Road and Bell Plains Road; on the east by CR650; on the south by CR150; and on the west by East Street. The total requested area includes approximately 1,782 acres and 269 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.

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.

PUBLIC UTILITY COMMISSION



AFFIDAVIT OF NOTICE TO CURRENT CUSTOMERS, NEIGHBORING UTILITIES AND AFFECTED PARTIES DOCKET NO. 48565

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 _____

Notice for Publication

CITY OF BUFFALO GAP'S NOTICE OF INTENT TO OBTAIN A CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) AND TO PURCHASE CERTAIN FACILITIES AND TRANSFER A PORTION OF AQUA TEXAS, INC.'S WATER CCN NO. 13201 IN TAYLOR COUNTY, TEXAS

<u>City of Buffalo Gap</u>	<u>P. O. Box 506</u>	<u>Buffalo Gap, TX</u>	<u>79508</u>
(Purchaser's Name)	(Address)	(City), (State)	(Zip Code)

has submitted an application with the Public Utility Commission of Texas (Commission) to purchase facilities and to transfer a portion of service area of CCN No. 13201, in Taylor County, TX from:

<u>Aqua Texas, Inc.</u>	<u>1106 Clayton Lane, Ste. 400W</u>	<u>Austin, TX</u>	<u>78723</u>
(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). The transaction and the transfer of the CCN includes the following subdivision:

The requested area is located approximately 0 mile(s) east of downtown Town of Buffalo Gap, Texas, and is generally bounded on the north by Buffalo Gap Road and Bell Plains Road; on the east by CR650; on the south by CR150; and on the west by East Street. The total requested area includes approximately 1,782 acres and 269 current customers.

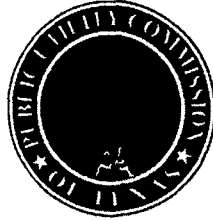
A copy of the map showing the requested area is available at: 500 Chestnut Street, Ste. 1601, Abilene, TX 79602

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.

PUBLIC UTILITY COMMISSION



PUBLISHER'S AFFIDAVIT
DOCKET NO. 48565

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 _____