



Control Number: 48680



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DOCKET NO. 48680

APPLICATION OF BLUEBONNET  
HILLS WATER SUPPLY  
CORPORATION AND CITY OF  
CRESSON FOR SALE, TRANSFER, OR  
MERGER OF FACILITIES AND  
CERTIFICATE RIGHTS IN PARKER  
COUNTY

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PUBLIC UTILITY COMMISSION  
OF TEXAS

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COMMISSION STAFF’S REQUEST FOR HEARING

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this Request for Referral. In support thereof, Staff shows the following:

I. BACKGROUND

On September 12, 2018, Bluebonnet Hills Water Supply Corporation (Bluebonnet) and the City of Cresson (Cresson) (collectively, Applicants), filed an application for sale, transfer, or merger of facilities and certificate rights in Parker and Johnson Counties, Texas. Specifically, Cresson seeks approval to acquire facilities and to transfer water service area from Bluebonnet under water Certificate of Convenience and Necessity (CCN) No. 12290. The requested area includes approximately 436 acres and 164 connections. Applicants filed supplemental information on September 27, 2018 and December 7, 2018.

On February 14, 2019, Order No. 3 was issued, establishing a deadline of ten days from the filing of proof of notice for Staff to file a recommendation on the sufficiency of notice. Applicants filed an affidavit of notice on May 21, 2019. On June 13, 2019, Order No. 4 found the notice insufficient and directed the applicants to supplement their proof of notice documentation to include the list of entities that were provided notice.

II. REQUEST FOR HEARING AND REFERRAL TO THE STATE OFFICE OF ADMINISTRATIVE HEARINGS

Under Texas Water Code (TWC) § 13.301(a) and (e) and 16 Texas Administrative Code (TAC) § 24.239(a) and (j), the Commission shall either approve the sale administratively or require a public hearing to determine if the transaction will serve the public interest within 120 days of the last date of mailed or published notice. On May 21, 2019, Applicants submitted an affidavit of

mailed notice attesting that notice was mailed on March 5, 2019. Although notice has not been deemed sufficient yet due to a lack of information regarding the entities noticed, 120 days from the date of notice is July 3, 2019. Therefore, Staff requests that the Commission refer the matter to the State Office of Administrative Hearings for an evidentiary hearing pursuant to 16 TAC § 24.239(j)(1) due to the deficiency of notice, and 16 TAC § 24.239(j)(2) due to the continuing financial, managerial and technical review of the application.

### **III. CONCLUSION**

Staff respectfully requests that this case be referred to the State Office of Administrative Hearings for a hearing.

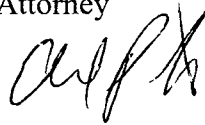
Dated: June 27, 2019

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Margaret Uhlig Pemberton  
Division Director

Karen Hubbard  
Managing Attorney



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**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on June 27, 2019, in accordance with 16 TAC § 22.74.



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Alexander Petak