

Control Number: 48793



Item Number: 8

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RECEIVED

APPLICATION OF TEXAS COUNTRY §
 WATER, INC. AND TCE WATER LLC §
 FOR SALE, TRANSFER, OR MERGER §
 OF FACILITIES AND CERTIFICATE §
 RIGHTS IN COMAL COUNTY §

PUBLIC UTILITY COMMISSION

OF TEXAS

2018 NOV 16 AM 11:14
 PUBLIC UTILITY COMMISSION
 FILING CLERK

**COMMISSION STAFF'S 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. 1, files this 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 October 17, 2018, Texas Country Water, Inc. (Texas Country) and TCE Water LLC (TCE Water) (Collectively, Applicants) filed an application for Sale, Transfer, or Merger of Facilities and Certificate Rights in Comal County, Texas. Specifically, Applicants seek to transfer all of Texas Country's facilities and water service area under Certificate of Convenience and Necessity (CCN) No. 12921 to TCE Water. The requested area includes approximately 141 acres and 104 connections. On October 19, 2018, Order No. 1 was issued requiring Applicants to supplement their application to provide additional information. On October 31, 2018, Applicants filed a supplement to their application in response to Order No. 1.

Further, Order No. 1 established a deadline of November 16, 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 from Jolie Mathis 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.

III. NOTICE

The Commission's notice requirements for sale, transfer, merger applications are provided by 16 Texas Administrative Code (TAC) § 24.239, formerly 16 TAC § 24.109. Specifically, Staff recommends that Applicants be ordered to provide notice according to the attached memorandum.

IV. PROCEDURAL SCHEDULE

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

Event	Date
Deadline for Applicants to file with the Commission signed affidavits that the notice was given, along with a copy of the notice sent to the affected parties	December 17, 2018
Deadline for Staff to file a recommendation on sufficiency of notice	Within 10 days of Applicants filing proof of completed notice with the Commission
Deadline to intervene	30 days after notice is issued

V. CONCLUSION

For the reasons discussed above, Staff respectfully 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 for further processing of this docket.

Dated: November 16, 2018

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

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DOCKET NO. 48793

CERTIFICATE OF SERVICE

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



Justine Isabelle Caedo Tan

PUC Interoffice Memorandum

To: Justine Tan
Legal Division

Thru: Lisa Fuentes, Manager
Water Utility Regulation Division

From: Jolie Mathis, Staff Engineer
Water Utility Regulation Division

Date: November 14, 2018

Subject: **Docket No. 48793**, *Application of TCE Water LLC and Texas Country Water Inc. for Sale, Transfer, or Merger of Facilities and Certificate Rights in Comal County*

On October 17, 2018, TCE Water LLC (TCE or Purchaser) and the Texas Country Water Inc. (Texas Country or Seller) (collectively, Applicants) filed an application for Sale, Transfer, or Merger (STM) of facilities and certificate rights in Comal County, Texas, pursuant to Texas Water Code Ann. (TWC) § 13.301 and the 16 Tex. Admin Code (TAC) § 24.239. Specifically, the Purchaser seeks approval to acquire facilities and to transfer/cancel Texas Country's water Certificate of Convenience and Necessity (CCN) No. 12921. The requested area includes approximately 141 acres and 104 connections.

Based on Staff's review of the above referenced application, 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) any affected customers, and other affected parties in the requested area; and
- 2) Provide correct notice of the application to the following entities:
 - Canyon Regional Water Authority
 - City of New Braunfels (CCN No. 10677)
 - Comal County Judge
 - Crystal Clear SUD (CCN No. 10297)
 - Edwards Aquifer Authority
 - Guadalupe-Blanco River Authority
- 3) Provide an accurate map delineating the requested area with each individual notice to neighboring utilities, other affected parties, 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. It is recommended that the Applicant use the attached notice and affidavit to meet these requirements.

Notice to Current Customers, Neighboring Systems, and Cities**TCE WATER LLC NOTICE OF INTENT TO PURCHASE FACILITIES AND TO TRANSFER/CANCEL
TEXAS COUNTRY WATER INC.'S CCN NO. 12921 IN COMAL COUNTY, TEXAS**

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

(Address)

(City State Zip)

<u>TCE Water LLC</u>	<u>900 River Hills Road</u>	<u>Austin, TX</u>	<u>78733</u>
(Purchaser's Name)	(Address)	(City), (State)	(Zip Code)

has submitted an application with the Public Utility Commission of Texas (Commission) to purchase Texas Country Water, Inc. water facilities and to transfer water certificated service area under CCN No. 12921, in Comal County, TX from:

<u>Texas Country Water, Inc.</u>	<u>333 Big Sky Drive</u>	<u>New Braunfels, TX</u>	<u>78132</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: Country Estates Subdivision.

The requested area subject to this transaction is located approximately 7 miles north of downtown New Braunfels, Texas, and is generally bounded on the north by River Chase Drive; on the east by FM 306; on the south by River Oaks Drive; and on the west by Isaac Creek. The total requested area for the water or sewer CCN(s) being transferred includes approximately 141 acres and 104 current customers.

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.

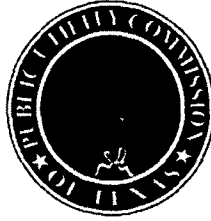
If a valid public hearing is requested, the Commission will forward the application to the State Office of Administrative Hearings (SOAH) for a hearing. If no settlement is reached and an evidentiary hearing is held, SOAH will submit a recommendation to the Commission for final decision. An evidentiary 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.

Utility Representative

Utility Name

PUBLIC UTILITY COMMISSION



AFFIDAVIT OF NOTICE TO CURRENT CUSTOMERS, NEIGHBORING UTILITIES AND AFFECTED PARTIES DOCKET NO. 48793

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 _____