



Control Number: 49178



Item Number: 4

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DOCKET NO. 49178

**APPLICATION OF VINEYARD RIDGE, §
LLC AND VINEYARD RIDGE WATER §
SUPPLY, LLC FOR SALE, TRANSFER, §
OR MERGER OF FACILITIES AND §
CERTIFICATE RIGHTS IN GILLESPIE §
COUNTY**

**PUBLIC UTILITY COMMISSION
OF TEXAS**
2019 MAR 7 PM 2:00
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 files this Recommendation on Administrative Completeness in response to Order No. 1. In support thereof, Staff shows the following:

I. BACKGROUND

On February 6, 2019, Vineyard Ridge Water Supply, LLC (Purchaser) and the and Vineyard Ridge, LLC (Seller), (collectively Applicants) filed an application for Sale, Transfer, or Merger (STM) of facilities and certificate rights in Gillespie County, Texas, pursuant to Texas Water Code Ann. (TWC) § 13.301 and the 16 Texas Administrative Code (TAC) § 24.239. Specifically, Purchaser seeks approval to acquire facilities and to transfer all of Seller’s water CCN No. 13265. The requested area includes approximately 660 acres and 17 connections.

On February 7, 2019, Order No. 1 was issued, establishing a deadline of March 8, 2019, 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. This pleading is therefore timely filed.

II. RECOMMENDATION ON SUFFICIENCY OF THE APPLICATION

As supported by the attached memorandum of Roshan Pokhrel of the Water Utility Regulation Division, Staff recommends the application be found administratively complete.

III. NOTICE

As detailed in the attached memorandum, Staff recommends that Applicants be directed to use the attached forms to provide notice to the following:

- 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
- the county judge of each county that is wholly or partially included in the requested area;
- each groundwater conservation district that is wholly or partially included in the requested area; and
- affected customers and other affected parties in the requested area;

Provide correct notice of the application to the following:

- Gillespie County WCID 1
- Hill Country Underwater Conservation District
- Lower Colorado River Authority
- Gillespie County Judge

Applicants must provide an accurate map delineating the requested service 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 web site located at <http://www14.tceq.texas.gov/iwud/>. Applicants must also file in the docket, an affidavit specifying every person and entity to whom notice was provided and the date that the notice was provided within 30 days of the date of the notice. It is recommended that the Applicant use the attached notice and affidavit to meet these requirements.

IV. PROPOSED PROCEDURAL SCHEDULE

Staff proposes the following procedural schedule for use in this proceeding:

Event	Date
Deadline for the Applicants to file with the Commission signed affidavits that the notice was given along with a copy of the notice sent to affected parties	April 8, 2019
Deadline for Staff to file 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
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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 above and in the attached memorandum, and that the procedural schedule proposed above be adopted.

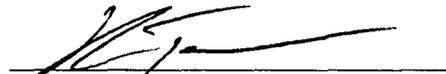
Dated: March 5, 2019

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Katherine Lengieza Gross
Managing Attorney



Rustin Tawater
State Bar No. 24110430
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7230
(512) 936-7268 (facsimile)
rustin.tawater@puc.texas.gov

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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record March 5, 2019
in accordance with 16 TAC § 22.74.



Rustin Tawater

ATTACHMENT A

PUC Interoffice Memorandum

To: Rustin Tawater, Attorney
Legal Division

Thru: Lisa Fuentes, Manager
Water Utility Regulation Division

From: Roshan Pokhrel, Engineering Specialist
Water Utility Regulation Division

Date: Mar 4, 2019

Subject: **Docket No. 49178**, *Application of Vineyard Ridge Water Supply, LLC and Vineyard Ridge, LLC for Sale, Transfer, or Merger of Facilities and Certificate Rights in Gillespie County*

On February 6, 2019, Vineyard Ridge Water Supply, LLC (Purchaser) and the and Vineyard Ridge, LLC (Seller), (collectively Applicants) filed an application for Sale, Transfer, or Merger (STM) of facilities and certificate rights in Gillespie County, Texas, pursuant to Texas Water Code Ann. (TWC) § 13.301 and the 16 Texas Administrative Code (TAC) § 24.239.

Specifically, Purchaser seeks approval to acquire facilities and to transfer all of Seller's water CCN No. 13265. The requested area includes approximately 660 acres and 17 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 should 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;
- 2) Provide correct notice of the application to the following entities:
 - Gillespie County WCID 1
 - Hill Country Underwater Conservation District
 - Lower Colorado River Authority
 - Gillespie County Judge
- 3) File in the docket an affidavit specifying every person and entity to whom notice was provided and the date that the notice was provided. It is recommended that the Applicant use the attached notice and affidavit to meet these requirements.

Please note, Staff may determine that additional information is needed to make a final recommendation in this docket. If additional information is needed Staff may send requests for information (RFI) to the

Applicant(s). The Applicant(s) will have 20 days from the receipt of the RFI to respond unless additional time is requested by the Applicant(s).

ATTACHMENT B

PUBLIC UTILITY COMMISSION



AFFIDAVIT OF NOTICE TO CURRENT CUSTOMERS, NEIGHBORING UTILITIES AND AFFECTED PARTIES DOCKET NO. 49178

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 to Current Customers, Neighboring Systems, and Cities
VINEYARD RIDGE WATER SUPPLY, LLC, NOTICE OF INTENT TO PURCHASE
FACILITIES AND TO TRANSFER WATER SERVICE AREA UNDER CCN NO. 13265
FROM VINEYARD RIDGE, LLC IN GILLESPIE COUNTY, TEXAS

To: _____ Date Notice Mailed: _____, 2019
(Name of Customer, Neighboring System, or City)

(Address)

(City State Zip)

Vineyard Ridge Water Supply, LLC P. O. BOX 631 SPICEWOOD, TX 78669
(Purchaser's Name) (Address) (City), (State) (Zip Code)

has submitted an application with the Public Utility Commission of Texas (Commission) to Purchase Vineyard Ridge, LLC water facilities and to transfer water certificated service area under CCN No. 13265 in Gillespie County, TX from:

Vineyard Ridge, LLC 14246 E US HIGHWAY 290 STONEWALL, TX 78671
(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: Vineyard Ridge Subdivision, PWS No. 0860144

The requested area subject to this transaction is located approximately 14 miles northeast of downtown Fredericksburg, Texas, and is generally bounded on the north by North Grape Creek Road; on the east by North Grape Creek Road; on the south by FM 2721; and on the west by Dry Hollow Road (CR 109). The total requested area for the water CCN being transferred includes approximately 660 acres and 17 current customers.

A copy of the map showing the requested area is available at: P. O. Box 631, Spicewood, TX 78669

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.

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

Utility Representative

Utility Name