



Control Number: 49269



Item Number: 11

Addendum StartPage: 0

**DOCKET NO. 49269**

RECEIVED

**APPLICATION OF JACKSON  
WATER SUPPLY CORPORATION TO  
AMEND A WATER CERTIFICATE OF  
CONVENIENCE AND NECESSITY IN  
SMITH COUNTY**

§  
§  
§  
§  
§

**PUBLIC UTILITY COMMISSION  
OF TEXAS**  
2019 JUL 26 AM 11:28  
PUBLIC UTILITY COMMISSION  
FILING CLERK

**COMMISSION STAFF’S SECOND SUPPLEMENTAL RECOMMENDATION ON  
ADMINISTRATIVE COMPLETENESS AND PROPOSED NOTICE**

**COMES NOW** the Commission Staff of the Public Utility Commission of Texas (Commission), representing the public interest, and in response to Order No. 3 files this, Commission Staff’s Second Supplemental Recommendation on Administrative Completeness and Proposed Notice. Staff recommends that the application be found sufficient for further review. In support thereof, Staff shows the following:

**I. BACKGROUND**

On February 27, 2019, the Jackson Water Supply Corporation (Jackson WSC) filed an application to amend its water Certificate of Convenience and Necessity (CCN) No. 10763, in Smith County, Texas. The requested area includes approximately 4,000 acres and 110 connections. Jackson WSC filed supplemental information on April 26, 2019, May 17, 2019 and July 1, 2019.

On May 28, 2019, the Administrative Law Judge issued Order No. 3, setting a deadline of July 31, 2019, for Staff to file supplemental comments on the administrative completeness of the application, the sufficiency of the proposed notice, and to propose a procedural schedule. This pleading is therefore timely filed.

**II. ADMINISTRATIVE COMPLETENESS**

As detailed in the attached memorandum from Emily Sears in the Commission’s Water Utility Regulation Division, Staff has reviewed the application and information filed by Jackson WSC and recommends that it be found administratively complete and accepted for filing. Staff’s recommendation on administrative completeness is not a comment on the merits of the application, but only that it is complete for further processing.

11

### III. NOTICE

As detailed in the attached memorandum, Staff recommends that Jackson WSC proceed with providing public notice. Specifically, Staff recommends that Jackson WSC be directed to use the attached *Notice for Publication* form to publish notice once each week for two (2) consecutive weeks in a newspaper of general circulation in Smith County. Staff further recommends that Jackson WSC be directed to use the attached *Notice to Landowners, Neighboring Systems, and Cities* form to complete the following actions:

- 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;
  - d) landowners who own a tract of land that is at least 25 acres and is wholly or partly located 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;
  - e) any affected customers, and other affected parties in the requested area; and
  
- 2) Provide correct notice of the application to the following:
  - Aqua Texas Inc. (CCN No. 13201)
  - City of Tyler (CCN No. 10772)
  - Heights Water Company (CCN No. 10789)
  - Southern Utilities Company (CCN No. 10762)
  - West Gregg WSC (CCN No. 10409)
  - City of New Chapel Hill
  - Sabine River Authority
  - Smith 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 Jackson WSC 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 Jackson WSC use the attached notices and affidavits to meet these requirements.

#### IV. PROCEDURAL SCHEDULE

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

<b>Event</b>	<b>Date</b>
Deadline for Jackson WSC to file with the Commission signed affidavits that the notice was given along with a copy of the notice sent to the affected parties and published in a newspaper of general circulation	September 16, 2019
Deadline for Staff to file a recommendation on sufficiency of notice	Within 10 days of Jackson WSC filing proof of completed notice with the Commission
Deadline to intervene	Thirty (30) days after notice is issued

#### V. CONCLUSION

For the reasons detailed above, Staff recommends that the application, as supplemented, be found administratively complete, that Jackson WSC be directed to provide notice as detailed above and in the attached memorandum, and that the procedural schedule proposed above be adopted.

Dated: July 26, 2019

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Margaret Uhlig Pemberton  
Division Director

Karen S. Hubbard  
Managing Attorney



---

Steven M. Gonzalez  
State Bar No. 24109210  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326  
(512) 936-7228  
(512) 936-7268 (facsimile)  
Steven.Gonzalez@puc.texas.gov

**DOCKET NO. 49269**

**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on July 26, 2019, in accordance with 16 TAC § 22.74.



---

Steven M. Gonzalez

## PUC Interoffice Memorandum

---

**To:** Steven Gonzalez, Attorney  
Legal Division

**Thru:** Lisa Fuentes, Manager  
Water Utility Regulation Division

**From:** Emily Sears, Financial Analyst  
Water Utility Regulation Division

**Date:** July 25, 2019

**Subject:** **Docket 49269**, *Application of Jackson Water Supply Corporation to Amend a Water Certificate of Convenience and Necessity in Smith County*

On February 27, 2019, Jackson Water Supply Corporation (Jackson WSC or Applicant) filed with the Public Utility Commission of Texas (Commission) an application to amend its water Certificate of Convenience and Necessity (CCN) No. 10763 in Smith County, Texas pursuant to Texas Water Code Ann. (TWC) §§ 13.242 to 13.250 and the 16 Texas Administrative Code (TAC) §§ 24.225 to 24.237.

Staff has reviewed the additional information filed by the Applicant on July 1, 2019, and recommends that the application be deemed sufficient for filing and 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;
  - 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 partly located 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;
  - e) any affected customers, and other affected parties in the requested area; and
  - f) publish notice once each week for two (2) consecutive weeks in a newspaper of general circulation in Smith County.
  
- 2) Provide correct notice of the application to the following entities:
  - Aqua Texas Inc. (CCN No. 13201)
  - City of Tyler (CCN No. 10772)
  - Heights Water Company (CCN No. 10789)
  - Southern Utilities Company (CCN No. 10762)
  - West Gregg WSC (CCN No. 10409)
  - City of New Chapel Hill
  - Sabine River Authority
  - Smith 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 for Publication***

**NOTICE OF APPLICATION TO AMEND A CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE WATER UTILITY SERVICE IN SMITH COUNTY, TEXAS**

Jackson Water Supply Corporation has filed an application with the Public Utility Commission of Texas to amend its Certificate of Convenience and Necessity (CCN) No. 10763 for the provision of retail water utility service in Smith County.

Requested area A1:

- The requested area A1 is located approximately 6 miles east of downtown Tyler, TX, and is generally bounded on the north by State Highway 31 East; on the east by CR 2301; on the south by FM 850; and on the west by the intersection of FM 850 and CR 213.
- The requested area includes approximately 2,382 total acres and 63 current customers.

Requested area A2:

- The requested area A2 is located approximately 13 miles east of downtown Tyler, TX, and is generally bounded on the north by State Highway 31 East; on the east by CR 246; on the south by CR 26 and Jamestown Road; and on the west by CR 233 and Jernigan Road.
- The requested area includes approximately 1,802 total acres and 0 current customers.

The total requested area includes approximately 4,184 acres and 63 current customers.

The requested area overlaps the boundaries of the Sabine River Authority. If the Sabine River Authority does not request a public hearing, the Commission shall determine that the district is consenting to Jackson Water Supply Corporation's request to provide retail water utility service in the requested area.

**A copy of the map showing the requested area is available at: Schaumburg & Polk, Inc. 320 S Broadway Ave #200, Tyler TX 75702**

*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 Neighboring Systems, Landowners, Customers and Cities**  
NOTICE OF APPLICATION TO AMEND A CERTIFICATE OF CONVENIENCE AND NECESSITY TO  
PROVIDE WATER UTILITY SERVICE IN SMITH COUNTY, TEXAS

To: \_\_\_\_\_  
(Neighboring System, Landowner, Customer or City)  
  
\_\_\_\_\_  
(Address)  
  
\_\_\_\_\_  
(City State Zip)

Date Notice Mailed: \_\_\_\_\_, 201\_\_

Jackson Water Supply Corporation has filed an application with the Public Utility Commission of Texas to amend its Certificate of Convenience and Necessity (CCN) No. 10763 for the provision of retail water utility service in Smith County.

Requested area A1:

- The requested area A1 is located approximately 6 miles east of downtown Tyler, TX, and is generally bounded on the north by State Highway 31 East; on the east by CR 2301; on the south by FM 850; and on the west by the intersection of FM 850 and CR 213.
- The requested area includes approximately 2,382 total acres and 63 current customers.

Requested area A2:

- The requested area A2 is located approximately 13 miles east of downtown Tyler, TX, and is generally bounded on the north by State Highway 31 East; on the east by CR 246; on the south by CR 26 and Jamestown Road; and on the west by CR 233 and Jernigan Road.
- The requested area includes approximately 1,802 total acres and 0 current customers.

The total requested area includes approximately 4,184 acres and 63 current customers. **See enclosed map showing the requested area.**

The requested area overlaps the boundaries of the Sabine River Authority. If the Sabine River Authority does not request a public hearing, the Commission shall determine that the district is consenting to Jackson Water Supply Corporation’s request to provide retail water utility service within 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.

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.

# PUBLIC UTILITY COMMISSION



AFFIDAVIT OF NOTICE TO CURRENT CUSTOMERS, LANDOWNERS, NEIGHBORING  
UTILITIES AND AFFECTED PARTIES  
DOCKET NO. 49269

STATE OF TEXAS  
COUNTY OF \_\_\_\_\_

\_\_\_\_\_ has provided individual  
notice to the following entities, landowners 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. 49269

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 \_\_\_\_\_