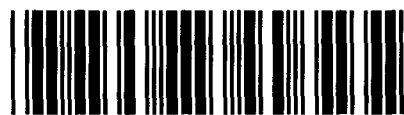




Control Number: 49272



Item Number: 7

Addendum StartPage: 0

**DOCKET NO. 49272**

**APPLICATION OF YANCEY WATER §  
SUPPLY CORPORATION TO AMEND §  
A WATER CERTIFICATE OF §  
CONVENIENCE AND NECESSITY IN §  
MEDINA AND FRIO COUNTIES §**

**PUBLIC UTILITY COMMISSION**

**OF TEXAS**

**RECEIVED  
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FILING CLERK**

**COMMISSION STAFF'S SUPPLEMENTAL RECOMMENDATION ON  
ADMINISTRATIVE COMPLETENESS OF THE APPLICATION AND  
PROPOSED PROCEDURAL SCHEDULE**

COMES NOW Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and in response to Order No. 2, files this Supplemental Recommendation on Administrative Completeness of the application and Proposed Procedural Schedule. Staff recommends that the application be found sufficient for further review. In support thereof, Staff shows the following:

**I. BACKGROUND**

On February 28, 2019, the Yancey Water Supply Corporation (Yancey WSC) filed an application to amend its water Certificate of Convenience and Necessity (CCN) No. 11463, in Medina and Frio Counties, Texas. The requested area includes approximately 224,705 acres and 1,764 connections.

On April 1, 2019, the Commission Administrative Law Judge (ALJ) issued Order No. 2, finding the application administratively incomplete and insufficient for further review, and requiring Yancey WSC to file a supplement to cure the application of the deficiencies identified by Staff in the attached memorandum to its First Administrative Completeness Recommendation, by April 29, 2019. Yancey WSC filed supplemental information on April 26, 2019.

Order No. 2 also directed Staff to file a supplemental recommendation on the administrative completeness of the application and to propose a procedural schedule for further processing of the application by May 29, 2019. Therefore, this pleading is timely filed.

**II. ADMINISTRATIVE COMPLETENESS**

As detailed in the attached memorandum from Greg Charles in the Commission's Water Utility Regulation Division, Staff has reviewed the application and supplemental information

filed by Yancey 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.

### III. NOTICE

As detailed in the attached memorandum, Staff recommends that Yancey WSC proceed with providing public notice. Specifically, Staff recommends that Yancey 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 Medina and Frio Counties. Staff further recommends that Yancey 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; and
- e) affected customers and other affected parties in the requested area.

2) Provide correct notice of the application to the following:

- Benton City WSC (CCN No. 12587)
- Bexar-Medina-Atascosa Counties WCID 1
- Canyon Regional Water Authority
- City of Castroville (CCN No. 10218)
- City of Devine (CCN No. 10238)
- City of Hondo (CCN No. 10239)
- City of La Coste (CCN No. 11004)
- City of San Antonio
- Creekwood Ranches WSC (CCN No. 11897)
- East Medina County SUD (CCN No. 10217)
- Edwards Aquifer Authority
- Evergreen UWCD
- Frio County Judge

- Gusville Mobile Home Park (CCN No. 12292)
- Highway 90 Ranch WSC (CCN No. 11135)
- LCR Water Development LP (CCN No. 13154)
- Medina County GCD
- Medina County Judge
- Medina River West WSC (CCN No. 11847)
- Moore WSC (CCN No. 10212)
- New Alsace WSC (CCN No. 12558)
- Northeast Medina County WCID 1
- Nueces River Authority
- Old Highway 90 Water Service (CCN No. 12975)
- Rio Medina Water (CCN No. 11671)
- San Antonio River Authority
- San Antonio Water System (CN No. 10640)
- SWWC Utilities Inc (CCN No. 11106)
- Trinity Glen Rose GCD
- Ville D'Alsace WSC (CCN No. 12757)
- West Medina WSC (CCN No. 11871)
- Westside 211 Special Improvement District

3) Provide an accurate map delineating the requested service area with each individual notice to neighboring utilities, other affected parties, landowners, and customers.

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 Yancey 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 Yancey 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	July 15, 2019
Deadline for Staff to file a recommendation on sufficiency of notice	Within 10 days of Yancey 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 Yancey WSC be directed to provide notice as detailed above and in the attached memorandum, and that the procedural schedule proposed above be adopted.

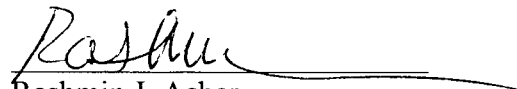
Dated: May 29, 2019

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Margaret Uhlig Pemberton  
Division Director

Karen S. Hubbard  
Managing Attorney



Rashmin J. Asher  
State Bar No. 24092058  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326  
(512) 936-7216  
(512) 936-7268 (facsimile)  
Rashmin.Asher@puc.texas.gov

**DOCKET NO. 49272**

**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on May 29, 2019, in accordance with 16 TAC § 22.74.



Rashmin J. Asher

## PUC Interoffice Memorandum

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**To:** Rashmin Asher, Attorney  
Legal Division

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

**From:** Greg Charles, Staff Engineer  
Water Utility Regulation Division

**Date:** May 29, 2019

**Subject:** **Docket 49272**, *Application of Yancey Water Supply Corporation to Amend a Water Certificate of Convenience and Necessity (CCN) in Medina and Frio Counties*

On February 28, 2019, Yancey Water Supply Corporation (Yancey or Applicant) filed with the Public Utility Commission of Texas (Commission) an application to amend water CCN No. 11463 in Medina and Frio Counties, Texas. Per the supplemental information filed on April 26, 2019, the requested area is 225,438 acres with 1,764 customers.

Staff has reviewed the additional information filed by the Applicant on April 26, 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; and
  - 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; and
  - 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 Medina and Frio Counties.
  
- 2) Provide correct notice of the application to the following:
  - Benton City WSC (CCN No. 12587)
  - Bexar-Medina-Atascosa Counties WCID 1
  - Canyon Regional Water Authority
  - City of Castroville (CCN No. 10218)
  - City of Devine (CCN No. 10238)
  - City of Hondo (CCN No. 10239)
  - City of La Coste (CCN No. 11004)
  - City of San Antonio
  - Creekwood Ranches WSC (CCN No. 11897)
  - East Medina County SUD (CCN No. 10217)
  - Edwards Aquifer Authority
  - Evergreen UWCD

- Frio County Judge
- Gusville Mobile Home Park (CCN No. 12292)
- Highway 90 Ranch WSC (CCN No. 11135)
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- Medina County Judge
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- Moore WSC (CCN No. 10212)
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- Old Highway 90 Water Service (CCN No. 12975)
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- SWWC Utilities Inc (CCN No. 11106)
- Trinity Glen Rose GCD
- Ville D'Alsace WSC (CCN No. 12757)
- West Medina WSC (CCN No. 11871)
- Westside 211 Special Improvement District

- 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://www.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 MEDINA AND FRIO COUNTIES,  
TEXAS

Yancey Water Supply Corporation has filed an application with the Public Utility Commission of Texas to amend Certificate of Convenience and Necessity (CCN) No. 11463 to provide retail water utility service in Medina and Frio Counties.

The requested area is located approximately 20 mile west of downtown San Antonio, Texas, and is generally bounded on the north by Medina Lake; on the east by SH 211 and FM 471 and FM 1343; on the south by Frio County Line; and on the west by CR 5232 and FM 2200 and CR 341. The total requested area includes approximately 224,359\* total acres and 1,764 current customers. \*The majority of this acreage is already certificated under a facility line CCN where service is currently being provided. The uncertificated requested area includes approximately 3,772 total acres and 0 current customers.

A copy of the map showing the requested area is available at: Yancey Water Supply Corporation, 150 County Rd 743, Yancey, Texas 78886-0127

*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 MEDINA AND FRIO COUNTIES,  
TEXAS

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

Date Notice Mailed: \_\_\_\_\_, 2019

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The requested area is located approximately 20 mile west of downtown San Antonio, Texas, and is generally bounded on the north by Medina Lake; on the east by SH 211 and FM 471 and FM 1343; on the south by Frio County Line; and on the west by CR 5232 and FM 2200 and CR 341. The total requested area includes approximately 224,359\* total acres and 1,764 current customers. \*The majority of this acreage is already certificated under a facility line CCN where service is currently being provided. The uncertificated requested area includes approximately 3,772 total acres and 0 current customers.

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# PUBLIC UTILITY COMMISSION



## AFFIDAVIT OF NOTICE TO CURRENT CUSTOMERS, NEIGHBORING UTILITIES AND AFFECTED PARTIES DOCKET NO. 49272

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 \_\_\_\_\_

# PUBLIC UTILITY COMMISSION



PUBLISHER'S AFFIDAVIT  
DOCKET NO. 49272

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 \_\_\_\_\_