

Control Number: 49277



Item Number: 10

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DOCKET NO. 49277

APPLICATION OF THE CITY OF §
FORT WORTH FOR A SEWER §
CERTIFICATE OF CONVENIENCE §
AND NECESSITY IN TARRANT, §
DENTON, WISE AND PARKER §
COUNTIES §

PUBLIC UTILITY COMMISSION
OF TEXAS

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 it be found administratively complete and accepted for filing. In support thereof, Staff shows the following:

I. BACKGROUND

On March 1, 2019, the City of Fort Worth (Fort Worth) filed an application for a sewer certificate of convenience and necessity in Tarrant, Denton, Wise and Parker Counties. The requested service area consists of 261,819 acres and currently has 600,851 customers. Fort Worth filed supplemental information on April 29, 2019 and June 21, 2019.

On May 30, 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 Nabaraj Pokharel in the Commission’s Water Utility Regulation Division, Staff has reviewed the application and supplemental information filed by Fort Worth 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 Fort Worth proceed with providing public notice. Specifically, Staff recommends that Fort Worth 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 in Tarrant, Denton, Wise and Parker Counties. Staff further recommends that Fort Worth 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:
 - Abraxas Corporation (CCN No. 20759)
 - Aqua Texas Inc. (CCN No. 21059)
 - Benbrook Water Authority (CCN No. 20505)
 - City of Aledo (CCN No. 20102)
 - City of Azle (CCN No. 20022)
 - City of Bedford (CCN No. 20027)
 - City of Blue Mound (CCN No. 21085)
 - City of Burleson (CCN No. 20358)
 - City of Crowley (CCN No. 20392)
 - City of Dalworthington Gardens (CCN No. 20030)
 - City of Euless (CCN No. 20024)
 - City of Forest Hill (CCN No. 20504)
 - City of Grand Prairie (CCN No. 20019)
 - City of Haltom City (CCN No. 20029)
 - City of Hurst (CCN No. 20042)
 - City of Grand Prairie (CCN No. 20019)

- City of Haltom City (CCN No. 20029)
- City of Hurst (CCN No. 20042)
- City of Irving (CCN No. 20719)
- City of Justin (CCN No. 20061)
- City of Keller (CCN No. 20386)
- City of Kennedale (CCN No. 20034)
- City of Lake Worth (CCN No. 20507)
- City of North Richland Hills (CCN No. 20041)
- City of Richland Hills (CCN No. 20363)
- City of Roanoke (CCN No. 21028)
- City of Westworth Village (CCN No. 20028)
- City of Willow Park (CCN No. 20773)
- K G J Joint Venture (CCN No. 20680)
- Pine Tree Estates 2 LOA (CCN No. 20742)
- Rolling V Ranch WCID 1 of Wise County (CCN No. 21061)
- Suetrak USA Company Inc. (CCN No. 20629)
- Tarrant County MUD 1 (CCN No. 20025)
- Town of Lakeside (CCN No. 20026)
- Town of Northlake (CCN No. 20866)
- Town of Pantego (CCN No. 20023)
- Town of Westlake (CCN No. 20901)
- Undine Texas Environmental LLC (CCN Nos. 20816, 21019)
- City of Arlington
- City of Benbrook
- City of Everman
- City of Haslet
- City of Newark
- City of Rhome
- City of River Oaks
- City of Saginaw
- City of Sansom Park
- City of Watauga
- City of White Settlement
- Town of Annetta North
- Town of Edgecliff Village
- Town of Flower Mound
- Town of Trophy Club
- Town of Westover Hills

- Alpha Ranch FWSD 1 of Denton & Wise County
- Arlington Entertainment Area Management District
- Circle T MUD 1
- Circle T MUD 2
- Circle T MUD 3
- Dallas County Flood Control District 1
- Great Southwest Improvement District
- Johnson County SUD
- Live Oak Creek MUD 1 of Tarrant County
- Morningstar Ranch MUD 1 of Parker County
- Morningstar Ranch MUD 2 of Parker County
- North Fort Worth WCID 1
- North Texas Groundwater Conservation District
- Northern Trinity Groundwater Conservation District
- Rolling V Ranch WCID 1 of Wise County
- South Denton County WCID 1
- Tarrant Regional Water District A WCID
- Tradition MUD 1 of Denton County
- Tradition MUD 2A of Denton County
- Trinity River Authority of Texas
- Trophy Club MUD 1
- Upper Trinity Groundwater Conservation District
- Upper Trinity Regional Water District
- Viridian Municipal Management District
- Dallas County Judge
- Denton County Judge
- Parker County Judge
- Tarrant County Judge
- Wise 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 Fort Worth 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 Fort Worth use the attached notices and affidavits to meet these requirements.

IV. PROCEDURAL SCHEDULE

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

Event	Date
Deadline for Fort Worth 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 Fort Worth 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 Fort Worth be directed to provide notice as detailed above and in the attached memorandum, and that the procedural schedule proposed above be adopted.

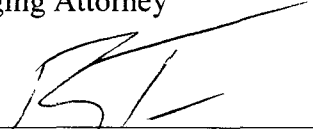
Dated: July 24, 2019

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Karen S. Hubbard
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

DOCKET NO. 49277

CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on July 24, 2019, in accordance with 16 TAC § 22.74.



Rustin Tawater

PUC Interoffice Memorandum

To: Rustin Tawater, Attorney
Legal Division

Thru: Lisa Fuentes, Manager
Water Utility Regulation Division

From: Nabaraj Pokharel, Engineering Specialist
Water Utility Regulation Division

Date: July 23, 2019

Subject: *Docket 49277: Application of the City of Fort Worth for a Sewer Certificate of Convenience and Necessity in Dallas, Denton, Parker, Tarrant and Wise Counties*

On March 1, 2019, City of Fort Worth, (Applicant) filed with the Public Utility Commission of Texas (Commission) an application to obtain a sewer Certificate of Convenience and Necessity (CCN) in Tarrant, Denton, Wise and Parker Counties, 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.

On April 29, 2019, the Applicant filed sufficient revised maps and on June 21, 2019 filed sufficient revised digital data in response to Commission Orders No. 2 and 3. Commission's mapping staff also confirmed that the Applicant is requesting to obtain a sewer CCN located in Dallas, Denton, Parker Tarrant and Wise Counties. Staff has reviewed the information and recommends the application be deemed administratively complete and sufficient for filing. 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 in Dallas, Denton, Parker, Tarrant and Wise Counties.

- 2) Provide correct notice of the application to the following entities:
 - Abraxas Corporation (CCN No. 20759)
 - Aqua Texas Inc. (CCN No. 21059)
 - Benbrook Water Authority (CCN No. 20505)
 - City of Aledo (CCN No. 20102)
 - City of Azle (CCN No. 20022)
 - City of Bedford (CCN No. 20027)
 - City of Blue Mound (CCN No. 21085)

- City of Burleson (CCN No. 20358)
- City of Crowley (CCN No. 20392)
- City of Dalworthington Gardens (CCN No. 20030)
- City of Euless (CCN No. 20024)
- City of Forest Hill (CCN No. 20504)
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- City of Irving (CCN No. 20719)
- City of Justin (CCN No. 20061)
- City of Keller (CCN No. 20386)
- City of Kennedale (CCN No. 20034)
- City of Lake Worth (CCN No. 20507)
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- City of Westworth Village (CCN No. 20028)
- City of Willow Park (CCN No. 20773)
- K G J Joint Venture (CCN No. 20680)
- Pine Tree Estates 2 LOA (CCN No. 20742)
- Rolling V Ranch WCID 1 of Wise County (CCN No. 21061)
- Suetrak USA Company Inc. (CCN No. 20629)
- Tarrant County MUD 1 (CCN No. 20025)
- Town of Lakeside (CCN No. 20026)
- Town of Northlake (CCN No. 20866)
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- Town of Westlake (CCN No. 20901)
- Undine Texas Environmental LLC (CCN Nos. 20816, 21019)
- City of Arlington
- City of Benbrook
- City of Everman
- City of Haslet
- City of Newark
- City of Rhome
- City of River Oaks
- City of Saginaw
- City of Sansom Park
- City of Watauga
- City of White Settlement
- Town of Annetta North
- Town of Edgecliff Village
- Town of Flower Mound
- Town of Trophy Club
- Town of Westover Hills
- Alpha Ranch FWSD 1 of Denton & Wise County
- Arlington Entertainment Area Management District

- Circle T MUD 1
 - Circle T MUD 2
 - Circle T MUD 3
 - Dallas County Flood Control District 1
 - Great Southwest Improvement District
 - Johnson County SUD
 - Live Oak Creek MUD 1 of Tarrant County
 - Morningstar Ranch MUD 1 of Parker County
 - Morningstar Ranch MUD 2 of Parker County
 - North Fort Worth WCID 1
 - North Texas Groundwater Conservation District
 - Northern Trinity Groundwater Conservation District
 - Rolling V Ranch WCID 1 of Wise County
 - South Denton County WCID 1
 - Tarrant Regional Water District A WCID
 - Tradition MUD 1 of Denton County
 - Tradition MUD 2A of Denton County
 - Trinity River Authority of Texas
 - Trophy Club MUD 1
 - Upper Trinity Groundwater Conservation District
 - Upper Trinity Regional Water District
 - Viridian Municipal Management District
 - Dallas County Judge
 - Denton County Judge
 - Parker County Judge
 - Tarrant County Judge
 - Wise 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 web site located at <http://www14.tceq.texas.gov/iwud/>.
- 4) File in the docket a map 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 OBTAIN A CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE SEWER UTILITY SERVICE IN DALLAS, DENTON, PARKER, TARRANT AND WISE COUNTIES, TEXAS

City of Fort Worth has filed an application with the Public Utility Commission of Texas to obtain its Sewer Certificate of Convenience and Necessity (CCN) No. for the provision of retail sewer utility service in Dallas, Denton, Parker Tarrant and Wise Counties.

The requested area is located approximately 1.4 miles north of downtown Burleson, TX, and is generally bounded on the north by 1.6 miles south of FM 407; on the east by County Line Road and the borders of the Dallas and Tarrant County lines; on the south by the intersection of Interstate Highway 35 West and State Highway 174, and the borders of the Tarrant and Johnson County lines; and on the west by FM 3325 (Farmer Road). The requested area includes approximately 241,173 total acres and 600,851 current customers.

The requested area overlaps the boundaries of the districts listed below:

- Alpha Ranch FWSD 1 of Denton & Wise County
- Benbrook Water Authority
- Dallas County Flood Control District 1
- Johnson County SUD
- Live Oak Creek MUD 1 of Tarrant County
- Morningstar Ranch MUD 1 of Parker County
- Morningstar Ranch MUD 2 of Parker County
- Tarrant Regional Water District A WCID
- Tradition MUD 1 of Denton County
- Tradition MUD 2A of Denton County
- Trinity River Authority of Texas
- Upper Trinity Regional Water District
- Viridian Municipal Management District

If any of the districts listed above do not request a public hearing, the Commission shall determine the district is consenting to the City of Fort Worth's request to provide retail sewer utility service in the requested area.

A copy of the map showing the requested area is available at: 200 Texas Street, Fort Worth, TX, 76102

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 optout 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 OBTAIN A CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE SEWER UTILITY SERVICE IN DALLAS, DENTON, PARKER,
TARRANT AND WISE COUNTIES, TEXAS

To: _____
(Neighboring System, Landowner, Customer or City)

(Address)

(City State Zip)

Date Notice Mailed: _____, 2019

City of Fort Worth has filed an application with the Public Utility Commission of Texas to obtain its Sewer Certificate of Convenience and Necessity (CCN) No. for the provision of retail sewer utility service in Dallas, Denton, Parker Tarrant and Wise Counties.

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- Tradition MUD 2A of Denton County
- Trinity River Authority of Texas
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If any of the districts listed above do not request a public hearing, the Commission shall determine the district is consenting to the City of Fort Worth's request to provide retail sewer utility service in the requested area.

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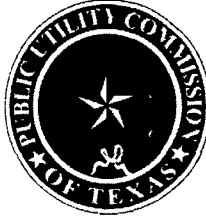
Persons who wish to request this option should file the required documents with the:

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. 49277

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. 49277

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 _____