



Control Number: 49277



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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**

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**PUBLIC UTILITY COMMISSION
OF TEXAS**



**COMMISSION STAFF'S SUPPLEMENTAL RECOMMENDATION ON
ADMINISTRATIVE COMPLETENESS, PROPOSED NOTICE, AND PROPOSED
PROCEDURAL SCHEDULE**

COMES NOW the Commission Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and in response to Order No. 13, files this Commission Staff's Recommendation on Administrative Completeness, Proposed Notice, and Proposed Procedural Schedule. Staff recommends that the application be deemed sufficient for further review. 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. On October 16, 2019, Fort Worth filed supplemental information, constituting a substantial amendment to its original application (Amended Application). The requested service area now consists of 26,812 acres and has 0 customers.

On June 22, 2020, the Administrative Law Judge issued Order No. 13, setting a deadline of July 24, 2020, for Staff to file supplemental comments on the administrative completeness of the Amended Application, the sufficiency of the proposed notice, and to propose a procedural schedule. This pleading is therefore timely filed.

II. RECOMMENDATION ON ADMINISTRATIVE COMPLETENESS

As detailed in the attached memorandum from Nabaraj Pokharel in the Commission's Water Utility Regulation Division, Staff has reviewed the Amended Application, including the Applicant's supplemental information, and recommends that it be found administratively complete.

III. RECOMMENDATION ON NOTICE

The Commission's notice requirements for certificate of convenience and necessity applications are provided by 16 Texas Administrative Code (TAC) § 24.235. At this time, Staff recommends that Fort Worth proceed with providing public notice to all persons, political subdivisions, and other entities listed in the attached memorandum using the notices provided by Staff. Along with each individual notice, Staff recommends that Fort Worth provide an accurate map delineating the requested service area. Staff also recommends that Fort Worth publish notice once each week for two consecutive weeks in a newspaper of general circulation in Denton, Wise, and Parker Counties. Within 30 days of the provision of notice, Staff recommends that Fort Worth file proof of notice and proof of newspaper publication as described in the attached memorandum. Finally, it is recommended that Fort Worth use the attached affidavits to meet these requirements

IV. PROPOSED PROCEDURAL SCHEDULE

Staff proposes the following procedural schedule:

Event	Date
Deadline for the Applicant 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 3, 2020
Deadline for Staff to file a recommendation on sufficiency of notice	September 14, 2020
Deadline to intervene	30 days after notice is issued

V. CONCLUSION

For the reasons discussed above, Staff respectfully recommends that the Amended Application, as supplemented, 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: July 24, 2020

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

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/s/ Rustin Tawater
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CERTIFICATE OF SERVICE

I certify that, unless otherwise ordered by the presiding officer, notice of the filing of this document was provided to all parties of record via electronic mail on July 24, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Rustin Tawater
Rustin Tawater

PUC Interoffice Memorandum

To: Rustin Tawater, Attorney
Legal Division

From: Nabaraj Pokharel, Engineering Specialist
Infrastructure Division

Date: July 24, 2020

Subject: ***Docket 49277: Application of the City of Fort Worth for a Sewer Certificate of Convenience and Necessity in Tarrant, Denton, Wise and Parker 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 Denton, Parker, Tarrant and Wise Counties, Texas under Texas Water Code Ann. §§ 13.242 to 13.250 and the 16 Texas Administrative Code (TAC) §§ 24.225 to 24.237.

The Applicant amended its application on October 16, 2019. Specifically, the Applicant now requests a reduced sewer CCN service area of approximately 26,812 acres, with no existing retail wastewater customer connections.

Staff has reviewed the amended application, the supplemental information filed on February 20, 2020, and the revised maps and digital data filed on May 19, 2020, and recommends that 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 by first-class mail 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:
 - *City of Benbrook*
 - *City of Everman*
 - *City of Haslet*
 - *City of New Fairview*
 - *City of Newark*
 - *City of Rhome*
 - *City of Saginaw*
 - *City of Weatherford*
 - *City of White Settlement*
 - *Town of Annetta North*
 - *Alpha Ranch FWSD 1 of Denton & Wise Co*
 - *Brookfield FWSD 1*
 - *Far North Fort Worth MUD 1*
 - *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*
 - *Tarrant Regional Water District A WCID*
 - *Tradition MUD 1 of Denton County*

- *Tradition MUD 2A*
- *Trinity River Authority of Texas*
- *Upper Trinity Regional Water District*
- *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 Forest Hill (CCN No. 20504)*
- *City of Willow Park (CCN No. 20773)*
- *K G J Joint Venture (CCN No. 20680)*
- *Rolling V Ranch WCID 1 of Wise County (CCN No. 21061)*
- *Suetrak USA (CCN No. 20629)*
- *Tarrant County MUD 1 (CCN No. 20025)*
- *Town of Lakeside (CCN No. 20026)*
- *Town of Northlake (CCN No. 20866)*

b. The county judge of each county that is wholly or partially included in the requested area:

- *Denton County Judge*
- *Parker County Judge*
- *Tarrant County Judge*
- *Wise County Judge*

c. Each groundwater conservation district that is wholly or partially included in the requested area:

- *North Texas Groundwater Conservation District*
- *Northern Trinity Groundwater Conservation District*
- *Upper Trinity Groundwater Conservation District*

d. Each landowner of a tract of land that is at least 25 acres and is wholly or partly located in the requested area. Notice must be mailed to the owner of the tract of land according to the most current tax appraisal rolls of the applicable central appraisal district at the time the application was filed.

e. Any affected customers, and other affected parties in the requested area.

Addresses can be obtained by the Applicant from the Water Utility Database at <http://www.puc.texas.gov/watersearch>. Information related to districts including addresses can be obtained from the Texas Commission on Environmental Quality's (TCEQ) web site located at <http://www14.tceq.texas.gov/iwud/>.

2) Publish notice in a newspaper having general circulation in each county where the requested area is located, once each week for two consecutive weeks. Proof in the form of a publisher's affidavit must be filed within 30 days of the publication date. The affidavit must state with specificity each county in which the newspaper is of general circulation. Within 30 days of the date the notice was mailed, Applicant must file an affidavit specifying the notice that was provided to every person and entity to whom notice was provided and the date the notice was mailed.

3) Provide notice using the attached notice forms.

- 4) Provide a copy of map delineating the requested area with each individual notice to neighboring utilities, other affected parties, landowners and customers.
- 5) File in the docket a map and copy of notice along with the signed 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.