



Control Number: 49277



Item Number: 37

Addendum StartPage: 0

***Notice for Publication***

NOTICE OF APPLICATION TO OBTAIN A CERTIFICATE OF CONVENIENCE AND  
NECESSITY TO PROVIDE SEWER UTILITY SERVICE IN TARRANT, DENTON, WISE  
AND PARKERCOUNTIES, 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) for the provision of retail sewer utility service in Denton, Parker Tarrant and Wise Counties.



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

- 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
- Tarrant Regional Water District A WCID
- Tradition MUD 1 of Denton County
- Trinity River Authority of Texas
- Upper Trinity Regional Water 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 within the requested area.

The requested area contains Area 1 through Area 5 with polygons described below:

**Area 1, Polygons A-B:**

The requested area is located approximately 2 miles northwest of downtown Haslet, Texas, and is generally bounded on the north by Harriet Creek and Ben-Bert Road; on the east by BNSF Railroad; on the south by Denton and Tarrant county line; and on the west by County Road 4923. The total requested area includes approximately 3,355 acres and 0 current customers.

**Area 2, Polygons C-E:**

The requested area is located approximately 4.9 miles southwest of downtown Haslet, Texas, and is generally bounded on the north by Peden Road; on the east by Business Highway 287; on the south by Boat Club Road and Park Drive; and on the west by FM 1220. The total requested area includes approximately 1,547 acres and 0 current customers.

**Area 3, Polygons F-I:**

The requested area is located approximately 11.5 miles west of downtown Fort Worth, Texas, and is generally bounded on the north by intersection of Remuda Drive and Paloma Court West; on the east by Verna Trail North and Interstate Highway 820 Loop; on the south by intersection Farm Road 1187 (Chapin School Road) and US Highway 377 (Benbrook Boulevard); and on the west by Ranch House Road. The total requested area includes approximately 21,338 acres and 0 current customers.

**Area 4, Polygons J-M:**

The requested area is located approximately 7 miles southwest of downtown Fort Worth, Texas, and is generally bounded on the north by Overton Ridge Drive; on the east by South Hulen Street;

on the south by Oakmont Boulevard; and on the west by Bryant Irvin Road. The total requested area includes approximately 231 acres and 0 current customers.

**Area 5, Polygon N:**

The requested area is located approximately 10 miles southeast of downtown Fort Worth, Texas, and is generally bounded on the north by Shelby Road; on the east by Rendon Road; on the south by McPherson Road; and on the west by South Race Street and Forest Hill Everman Road. The total requested area includes approximately 328 acres and 0 current customers.

**Total entire requested area includes approximately 26,800 acres and 0 current customers.**

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

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

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

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(City State Zip)

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# 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 \_\_\_\_\_

## PUC Interoffice Memorandum

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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.

**DOCKET NO. 49277**

|                                   |          |                                  |
|-----------------------------------|----------|----------------------------------|
| <b>APPLICATION OF THE CITY OF</b> | <b>§</b> | <b>PUBLIC UTILITY COMMISSION</b> |
| <b>FORT WORTH FOR A SEWER</b>     | <b>§</b> |                                  |
| <b>CERTIFICATE OF CONVENIENCE</b> | <b>§</b> | <b>OF TEXAS</b>                  |
| <b>AND NECESSITY IN TARRANT,</b>  | <b>§</b> |                                  |
| <b>DENTON, WISE AND PARKER</b>    | <b>§</b> |                                  |
| <b>COUNTIES</b>                   | <b>§</b> |                                  |

**COMMISSION STAFF’S REVISED 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 Revised Supplemental 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. On July 24, 2020, Staff filed its supplemental recommendation but inadvertently excluded a necessary attachment. That attachment is included here.

**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:

| <b>Event</b>   | <b>Date</b>                    |
|--|--------------------------------|
| 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 27, 2020

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Rachelle Nicolette Robles  
Division Director

Heath D. Armstrong  
Managing Attorney

/s/ Rustin Tawater  
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, 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 27, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Rustin Tawater  
Rustin Tawater