



Control Number: 49386



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RECEIVED

APPLICATION OF LAS LOMAS §  
 MUNICIPAL UTILITY DISTRICT NO. §  
 4A OF KAUFMAN COUNTY, §  
 FORMERLY KNOWN AS LAS LOMAS §  
 MUNICIPAL UTILITY DISTRICT NO §  
 4 OF KAUFMAN COUNTY AND LAS §  
 LOMAS MUNICIPAL UTILITY §  
 DISTRICT NO. 4B OF KAUFMAN §  
 COUNTY FOR SALE, TRANSFER, OR §  
 MERGER OF SEWER FACILITIES §  
 AND CERTIFICATE RIGHTS IN §  
 KAUFMAN COUNTY §

PUBLIC UTILITY COMMISSION PM 1:33  
 OF TEXAS  
 PUBLIC UTILITY COMMISSION  
 FILING CLERK

**COMMISSION STAFF'S SUPPLEMENTAL RECOMMENDATION ON  
 ADMINISTRATIVE COMPLETENESS 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. 3, files this Supplemental Recommendation on Administrative Completeness and Proposed Procedural Schedule. Staff recommends that the application be deemed administratively complete. In support thereof, Staff shows the following:

**I. BACKGROUND**

On March 28, 2019, Las Lomas Municipal Utility District No. 4B of Kaufman County (Las Lomas 4B) and Las Lomas Municipal Utility District No. 4A of Kaufman County, formerly known as Las Lomas Municipal Utility District No 4 of Kaufman County (Las Lomas 4A) (collectively, Applicants) filed an application for Sale, Transfer, or Merger of Facilities and Certificate Rights in Kaufman County, Texas. Specifically, Las Lomas 4B seeks approval to acquire facilities and to transfer all of the Las Lomas 4A's Sewer Certificate of Convenience and Necessity No. 21007. The requested area includes approximately 6,168 acres and zero connections. Applicants filed supplemental information on September 10, 2019.

On September 5, 2019, Order No. 5 was issued, establishing a deadline of October 11, 2019 for Staff to file a recommendation on the administrative completeness of the application and notice and propose a procedural schedule for further processing of the application. Therefore, this pleading is timely filed.

## **II. ADMINISTRATIVE COMPLETENESS**

As detailed in the attached memorandum from Roshan Pokhrel in the Commission's Rate Regulation Division, Staff has reviewed the application and supplemental information filed by Applicants and recommends that it be found administratively complete.

## **III. NOTICE**

The Commission's notice requirement for sale, transfer, merger applications are provided by 16 Texas Administrative Code § 24.239. Specifically, Staff recommends the Applicants be ordered to provide notice according to the attached memorandum of Mr. Pokhrel.

## **IV. PROCEDURAL SCHEDULE**

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

<b>Event</b>	<b>Date</b>
Deadline for Applicant to file with the Commission signed affidavits that notice was given along with a copy of the notice sent to the affected parties	November 25, 2019
Deadline for Staff to file a recommendation on sufficiency of notice	Within ten (10) days of Applicants filing proof of completed notice with the Commission
Deadline for intervention and for intervenors to request a hearing on the merits	Thirty (30) days after notice is issued

## **V. CONCLUSION**

For the reasons discussed above, Staff respectfully recommends that the 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.

Dated: October 11, 2019

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

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Division Director

Rachelle Nicolette Robles  
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**DOCKET NO. 49386**

**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on October 11, 2019, in accordance with 16 TAC § 22.74.



John Harrison

## PUC Interoffice Memorandum

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**To:** John Harrison, Attorney  
Legal Division

**Thru:** Heidi Graham, Manager  
Infrastructure Division

**From:** Roshan Pokhrel, Engineering Specialist  
Infrastructure Division

**Date:** October 11, 2019

**Subject:** **Docket No. 49386**, *Application of Las Lomas Municipal Utility District No. 4B of Kaufman County and Las Lomas Municipal Utility District No. 4A of Kaufman County (Formerly Known as Las Lomas Municipal Utility District No. 4 of Kaufman County) for Sale, Transfer, or Merger of Facilities and Certificate Rights in Kaufman County*

On March 28, 2019, Las Lomas Municipal Utility District No. 4B of Kaufman County (Purchaser) and the Las Lomas Municipal Utility District No. 4A of Kaufman County (formerly Las Lomas Municipal Utility District No. 4 of Kaufman County) (Seller) (collectively, Applicants), filed with the Public Utility Commission of Texas an application for Sale, Transfer, or Merger of facilities and certificate rights in Kaufman County, Texas, pursuant to Texas Water Code Ann. § 13.301 and the 16 Texas Administrative Code § 24.239.

The Commission records show that the Certificate of Convenience and Necessity (CCN) was granted to Las Lomas Municipal Utility District No. 4 of Kaufman County, not Las Lomas Municipal Utility District No. 4A of Kaufman County. Therefore, Staff recommends changing the style of the docket to “*Application of Las Lomas Municipal Utility District No. 4B of Kaufman County and Las Lomas Municipal Utility District No. 4 of Kaufman County for Sale, Transfer, or Merger of Facilities and Certificate Rights in Kaufman County*”.

Specifically, the Purchaser seeks approval to transfer all of the Seller’s sewer CCN No. 21007. The requested area includes approximately 6,168 acres and zero connections.

Staff has reviewed the additional information filed on Sep 10, 2019 and recommends that the application be deemed sufficient for filing and administratively complete. Staff further recommends the Applicants 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) Any affected customers, and other affected parties in the requested area.
- 2) Provide correct notice of the application to the following entities:
  - City of Forney (CCN No. 20475)
  - City of Post Oak Bend
  - City of Talty

- City of Terrell (CCN No. 20474)
  - Kaufman County FWSD 1A
  - Kaufman County FWSD 1B
  - Kaufman County FWSD 1C
  - Kaufman County FWSD 1D
  - Kaufman County Judge
  - Kaufman County Parks Improvement District
  - Kaufman County WCID 1
  - Las Lomas MUD 1
  - Las Lomas MUD 2
  - Las Lomas MUD 3
  - North Texas MWD
  - Trinity River Authority of Texas
- 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://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 and the date that the notice was provided. It is recommended that the Applicant use the attached notice and affidavit to meet these requirements.

Please note, Staff may determine that additional information is needed to make a final recommendation in this docket. If additional information is needed Staff may send requests for information (RFI) to the Applicant. The Applicant will have 20 days from the receipt of the RFI to respond unless additional time is requested by the Applicant.

***Notice to Current Customers, Neighboring Systems, and Cities***

**LAS LOMAS MUD NO. 4B OF KAUFMAN COUNTY, NOTICE OF INTENT TO PURCHASE FACILITIES AND TO TRANSFER SEWER SERVICE AREA UNDER CCN NO. 21007 FROM LAS LOMAS MUD NO. 4 OF KAUFMAN COUNTY IN KAUFMAN COUNTY, TEXAS**

To: \_\_\_\_\_ Date Notice Mailed: \_\_\_\_\_, 201\_\_\_\_  
(Name of Customer, Neighboring System, or City)

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

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

Las Lomas MUD No. 4B of Kaufman County 14755 Preston Road, Suite 600 Dallas, TX 75254  
(Purchaser's Name) (Address) (City). (State) (Zip Code)

has submitted an application with the Public Utility Commission of Texas (Commission) to purchase Las Lomas MUD No. 4 of Kaufman County sewer facilities and to transfer sewer certificated service area under CCN No. 21007 in Kaufman County, TX from:

Las Lomas MUD No. 4 of Kaufman County 14755 Preston Road, Suite 600 Dallas, TX 75254  
(Seller's Name) (Address) (City). (State) (Zip Code)

The sale is scheduled to take place as approved by the Commission (V.T.C.A., Water Code § 13.301). The transaction and the transfer of the CCN includes the following subdivision: No Current Customers.

The requested area subject to this transaction is located approximately 5 miles east of downtown Terrell, Texas, and is generally bounded on the north by US 80; on the east by TX 557; on the south by FM 148 and FM 2578; and on the west by FM 1641. The total requested area for the sewer CCN being transferred includes approximately 6,168 acres and 0 current customers.

**A copy of the map showing the requested area is available at:** 14755 Preston Road, Suite 600 Dallas, TX 75254

This transaction will not have an effect on the current customer's rates and services.

*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.*

Si desea información en español, puede llamar al 1-888-782-8477.

\_\_\_\_\_  
Utility Representative

\_\_\_\_\_  
Utility Name

# PUBLIC UTILITY COMMISSION



## AFFIDAVIT OF NOTICE TO CURRENT CUSTOMERS, NEIGHBORING UTILITIES AND AFFECTED PARTIES DOCKET NO. 49386

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 \_\_\_\_\_