



Control Number: 49442



Item Number: 8

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DOCKET NO. 49442

RECEIVED

APPLICATION OF LEGEND BANK,  
INC. DBA OREAL, INC. AND RAY  
HARLOW FOR SALE, TRANSFER,  
OR MERGER OF FACILITIES AND  
CERTIFICATE RIGHTS IN  
ANGELINA COUNTY

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PUBLIC UTILITY COMMISSION  
2019 JUL -3 AM 10:13  
PUBLIC UTILITY COMMISSION  
FILING CLERK

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

**COMES NOW** the Commission 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 and Proposed Procedural Schedule. Staff recommends that the application be deemed administratively complete. In support thereof, Staff shows the following:

**I. BACKGROUND**

On April 12, 2019, Ray Harlow (Harlow) and the Legend Bank, Inc. d/b/a Oreal, Inc., (Oreal) (collectively, Applicants) filed an application for Sale, Transfer, or Merger (STM) of facilities and certificate rights in Angelina County. Specifically, Harlow seeks approval to acquire facilities and to transfer all of Oreal's sewer Certificate of Convenience and Necessity (CCN) area and obtain Oreal's CCN No. 20568. The requested area includes approximately 45 acres and 87 connections. Applicants filed supplemental information on June 13, 2019 and June 14, 2019.

On May 13, 2019, Order No. 2 was issued establishing a deadline of July 8, 2019 for Staff to file a supplemental 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 supported by the attached memorandum from Fred Bednarski III in the Commission's Water Utility Regulation Division, Staff has reviewed the application and supplemental information and recommends that the application be found administratively complete.



### **III. NOTICE**

The Commission's notice requirement for sale, transfer, merger applications are provided by 16 Texas Administrative Code (TAC) § 24.239. Specifically, Staff recommends that Applicants be ordered to provide notice as detailed in the attached memorandum of Fred Bednarski III.

### **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 Applicants to file proof of notice with the Commission	August 22, 2019
Deadline for Staff to file a recommendation on sufficiency of notice	Within 10 days of Applicants filing proof of completed notice with the Commission
Deadline to intervene	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 for further processing of this docket.

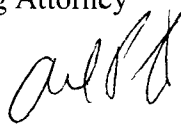
Dated: July 3, 2019

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Margaret Uhlig Pemberton  
Division Director

Karen S. Hubbard  
Managing Attorney



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**DOCKET NO. 49442**

**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on July 3, 2019,  
in accordance with 16 TAC § 22.74.



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Alexander Petak

## PUC Interoffice Memorandum

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**To:** Alexander Petak, Attorney  
Legal Division

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

**From:** Fred Bednarski III, Staff Engineer  
Water Utility Regulation Division

**Date:** July 03, 2019

**Subject:** **Docket No. 49442**, *Application of Legend Bank, Inc. dba Oreal, Inc. and Ray Harlow for Sale, Transfer, or Merger of Sewer Facilities and Certificate Rights in Angelina County*

On April 12, 2019, Ray Harlow (Purchaser) and the Legend Bank, Inc. dba Oreal, Inc., (Seller) (collectively, Applicants) filed an application for Sale, Transfer, or Merger (STM) of facilities and certificate rights in Angelina County, Texas, pursuant to Texas Water Code Ann. (TWC) § 13.301 and the 16 Texas Administrative Code (TAC) § 24.239. Specifically, Purchaser seeks approval to acquire facilities and to transfer all of Seller's sewer CCN No 20568. The requested area includes approximately 45 acres and 87 connections.

A Staff review of the additional information filed by the applicant on June 13 and 14 of 2019, found that it is sufficient in the required application and mapping information. Therefore, Staff recommends that the application be deemed sufficient for filing and found 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) any affected customers, and other affected parties in the requested area; and
- 2) Provide correct notice of the application to the following entities:
  - Angelina County Judge
  - Angelina & Neches River Authority
  - City of Lufkin (CCN No. 20142)
  - Pineywoods GCD
- 3) Provide an accurate map delineating the requested service 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 web site located at <http://www14.tceq.texas.gov/iwud/>.
- 4) File in the docket 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.

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

RAY HARLOW'S NOTICE OF INTENT TO PURCHASE LEGEND BANK, INC. DBA OREAL, INC. FACILITIES AND TO TRANSFER SEWER SERVICE AREA UNDER CCN NO. 20568 FROM LEGEND BANK, INC. DBA OREAL, INC. IN ANGELINA COUNTY, TEXAS

To: \_\_\_\_\_ Date Notice Mailed: \_\_\_\_\_, 2019  
(Name of Customer, Neighboring System, or City)

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

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

<u>Ray Harlow</u>	<u>P. O. Box 1176</u>	<u>Pinehurst, Texas</u>	<u>77362</u>
(Purchaser's Name)	(Address)	(City), (State)	(Zip Code)

has submitted an application with the Public Utility Commission of Texas (Commission) to purchase sewer facilities and to transfer sewer certificated service area under CCN No. 20568 in Angelina County, TX from:

<u>Legend Bank, Inc. DBA Oreal, Inc.</u>	<u>P. O. Box 1081</u>	<u>Bowie, Texas</u>	<u>76230</u>
(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:

Moffet Twin Oaks Mobile Home Park.

The requested area subject to this transaction is located approximately 4 miles northeast of downtown Lufkin, Texas, and is generally bounded on the north by Wilkerson Road; on the east by Willis Creek; on the south by Terry Street; and on the west by Twin Oaks Road. The total requested area for the sewer CCN being transferred includes approximately 45 acres and 87 current customers.

**A copy of the map showing the requested area is available at:** 101 W. Tarrant St., Bowie, Texas 76230

This transaction will have the following effect on the current customers' rates and services: No 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.*

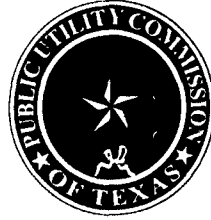
If a valid public hearing is requested, the Commission will forward the application to the State Office of Administrative Hearings (SOAH) for a hearing. If no settlement is reached and an evidentiary hearing is held, SOAH will submit a recommendation to the Commission for final decision. An evidentiary hearing is a legal proceeding similar to a civil trial in state district court.

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. 49442

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 \_\_\_\_\_