



Control Number: 49559



Item Number: 8

Addendum StartPage: 0

**DOCKET NO. 49559**

RECEIVED

2019 SEP -3 PM 1:47

PUBLIC UTILITY COMMISSION  
OF TEXAS  
FILED CLERK

**APPLICATION OF THE CITY OF §  
HALLSVILLE TO AMEND A WATER §  
CERTIFICATE OF CONVENIENCE §  
AND NECESSITY AND TO §  
DECERTIFY A PORTION OF WEST §  
HARRISON WATER SUPPLY §  
CORPORATION'S SERVICE AREA IN §  
HARRISON COUNTY §**

**PUBLIC UTILITY COMMISSION  
OF TEXAS**

**COMMISSION STAFF'S SUPPLEMENTAL RECOMMENDATION**

COMES NOW Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and files this supplemental recommendation. Staff recommends that the application be found sufficient for further review. In support thereof, Staff would show the following:

**I. BACKGROUND**

On May 21, 2019, the City of Hallsville (Hallsville) filed an application to amend a water certificate of convenience and necessity (CCN) No. 13200 and to decertify a portion of West Harrison Water Supply Corporation's (Harrison WSC) water CCN No. 12728 in Harrison County. The requested service area consists of approximately 16 acres with 24 customer connections.

On June 21, 2019, Order No. 2 was issued establishing a deadline of August 5, 2019 for Hallsville to cure deficiencies set out by staff in its recommendation filed on June 19, 2019. Hallsville supplemented the application on July 19<sup>th</sup> and August 16<sup>th</sup> of 2019. Order No. 2 also set a deadline of September 4, 2019, for Staff to file a supplemental recommendation on the administrative completeness of the application, the sufficiency of the proposed notice, and to 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 Debbie Reyes in the Commission's Water Utility Regulation Division, Staff has reviewed the application and supplemental information filed by Hallsville and recommends that it be found administratively complete and accepted for

filing. This recommendation is not a comment on the merits of the application, but only that it is complete for further processing.

#### **I. NOTICE**

As detailed in the attached memorandum, Staff recommends that Hallsville proceed with providing public notice. Specifically, Staff recommends that Hallsville 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 Harrison County. Staff further recommends that Hallsville 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; and;
  - d) Publish notice once each week for two (2) consecutive weeks in a newspaper of general circulation in Harrison County.
- 2) Provide correct notice of the application to the following:
  - Gum Springs WSC (CCN No. 10416)
  - West Harrison WSC (CCN No. 12728)
  - Little Cypress Utility District
  - Sabine River Authority
  - Harrison County Judge
- 3) Provide an accurate map delineating the requested service area with each individual notice to neighboring utilities and other affected parties. 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 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 Hallsville use the attached notices and affidavits to meet these requirements.

#### **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 Hallsville 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	October 18, 2019
Deadline for Staff to file a recommendation on sufficiency of notice	Within 10 days of Hallsville 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 Hallsville be directed to provide notice as detailed above and in the attached memorandum, and that the procedural schedule proposed above be adopted.

Dated: September 3, 2019

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Margaret Uhlig Pemberton  
Division Director

Stephen Mack  
Managing Attorney




---

Creighton R. McMurray  
State Bar No. 24109536  
1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326  
(512) 936-7275  
(512) 936-7268 (facsimile)  
creighton.mcmurray@puc.texas.gov

**DOCKET NO. 49559**

**CERTIFICATE OF SERVICE**

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



---

Creighton R. McMurray

## PUC Interoffice Memorandum

---

**To:** Creighton McMurray, Attorney  
Legal Division

**Thru:** Heidi Graham, Manager  
Water Utility Regulation Division

**From:** Debbie Reyes, Program Specialist  
Water Utility Regulation Division

**Date:** August 30, 2019

**Re:** **Docket No. 49559:** *Application of City of Hallsville to Amend and to Decertify a Portion of Water Certificate of Convenience and Necessity of West Harrison Water Supply Corporation in Harrison County, Texas*

On May 21, 2019, the City of Hallsville (Applicant) filed an application to amend its water Certificate of Convenience and Necessity (CCN) No. 13200 and to decertify a portion of West Harrison Water Supply Corporation's water CCN No. 12728 in Harrison County. The application is being reviewed pursuant to Texas Water Code Ann. §§ 13.242 to 13.250 and the 16 Texas Administrative Code §§ 24.225 to 24.237.

Based on Staff's review of the above referenced application, Staff recommends that the application be deemed sufficient for filing and be found administratively complete. Staff also recommends 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) Publish notice once each week for two (2) consecutive weeks in a newspaper of general circulation in Harrison County.
- 2) Provide correct notice of the application to list of neighboring entities required to receive notice is as follows:
  - Gum Springs WSC (CCN No. 10416)
  - West Harrison WSC (CCN No. 12728)
  - Little Cypress Utility District
  - Sabine River Authority
  - Harrison County Judge
- 3) Provide an accurate map delineating the requested area with each individual notice to neighboring utilities and other affected parties. 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.

Please note, Staff may determine that additional information is needed to make a final recommendation in this docket.

**Notice for Publication**

**NOTICE OF APPLICATION TO AMEND A CERTIFICATE OF CONVENIENCE AND NECESSITY  
AND TO DECERTIFY A PORTION OF A CERTIFICATE OF CONVENIENCE AND NECESSITY IN  
HARRISON COUNTY, TEXAS**

The City of Hallsville has filed an application with the Public Utility Commission of Texas to amend its Certificate of Convenience and Necessity (CCN) No. 13200 and to decertify a portion of West Harrison WSC's CCN No. 12728 for the provision of retail water utility service in Harrison County.

The requested area is located approximately 1 mile south of downtown Hallsville, TX, and is generally bounded on the north by Rutland Drive; on the east by FM 450; on the south by Deer Run; and on the west by Country Club Road. The requested area includes approximately 16 total acres and no current customers.

**A copy of the map showing the requested area is available at:**  
**115 W Main St, Hallsville, TX 75650, Phone No. 903-668-2313**

*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.

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

Staff may request additional information regarding your request.

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



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

**NOTICE OF APPLICATION TO AMEND A CERTIFICATE OF CONVENIENCE AND NECESSITY  
AND TO DECERTIFY A PORTION OF A CERTIFICATE OF CONVENIENCE AND NECESSITY IN  
HARRISON COUNTY, TEXAS**

To: \_\_\_\_\_  
(Neighboring System, Customer or City)  
\_\_\_\_\_  
(Address)  
\_\_\_\_\_  
(City                      State                      Zip)

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

The City of Hallsville has filed an application with the Public Utility Commission of Texas to amend its Certificate of Convenience and Necessity (CCN) No. 13200 and to decertify a portion of West Harrison WSC's CCN No. 12728 for the provision of retail water utility service in Harrison County.

The requested area is located approximately 1 mile south of downtown Hallsville, TX, and is generally bounded on the north by Rutland Drive; on the east by FM 450; on the south by Deer Run; and on the west by Country Club Road. The requested area includes approximately 16 total acres and no current customers.

**See enclosed map showing the requested area.**

*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.

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

Staff may request additional information regarding your request.

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

# PUBLIC UTILITY COMMISSION OF TEXAS



## AFFIDAVIT OF NOTICE TO CURRENT CUSTOMERS, NEIGHBORING UTILITIES AND AFFECTED PARTIES DOCKET NO. 49559

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 \_\_\_\_\_

# PUBLIC UTILITY COMMISSION OF TEXAS



PUBLISHER'S AFFIDAVIT  
DOCKET NO. 49559

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 \_\_\_\_\_