



Control Number: 49714



Item Number: 5

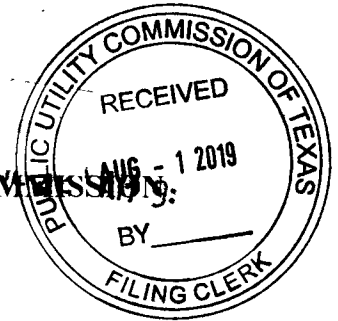
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DOCKET NO. 49714

APPLICATION OF CEDAR CREEK §
WATER SUPPLY AND MEGAN ESTES §
FOR SALE, TRANSFER, OR MERGER §
OF FACILITIES AND CERTIFICATE §
RIGHTS IN LIMESTONE COUNTY §

PUBLIC UTILITY COMMISSION
OF TEXAS



**COMMISSION STAFF’S 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. 1, files this 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 July 9, 2019, Cedar Creek Water Supply (Cedar Creek) and Megan Estes (Estes) (collectively, Applicants) filed an application for Sale, Transfer, or Merger (STM) of facilities and certificate rights in Limestone County. Specifically, Applicants seek to transfer all of Cedar Creek's water service area and CCN number 12677 to Estes. The requested transfer includes approximately 100 acres with 50 current customers. Applicants filed supplemental information on July 24, 2019.

On July 17, 2019, Order No. 1 was issued establishing a deadline of August 1, 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 Maxine Gilford in the Commission’s Water Utility Regulation Division, Staff has reviewed the application and supplemental information and recommends that the application, as supplemented, 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 according to the attached memorandum of Maxine Gilford.

IV. PROCEDURAL SCHEDULE

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

Event	Date
Deadline for Applicants to file proof of notice with the Commission	September 16, 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 31, 2019

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on July 31, 2019, in accordance with 16 TAC § 22.74.



Rustin Tawater

PUC Interoffice Memorandum

To: Rustin Tawater, Attorney
Legal Division

Thru: Lisa Fuentes, Manager
Water Utility Regulation Division

From: Maxine Gilford, Financial Analyst
Water Utility Regulation Division

Date: July 30, 2019

Subject: **Docket No. 49714**, *Application of Megan Estes and Cedar Creek Water Supply for Sale, Transfer, or Merger of Facilities and Certificate Rights in Limestone County*

On July 9, 2019, Megan Estes (Purchaser) and the Cedar Creek Water Supply (Seller) (collectively, Applicants) filed an application for Sale, Transfer, or Merger of facilities and certificate rights in Limestone County, Texas, pursuant to Texas Water Code Ann. (TWC) § 13.301 and the 16 Texas Administrative Code (TAC) § 24.239. Applicants filed supplemental information on July 24, 2019.

Specifically, Purchaser seeks approval to acquire facilities and to transfer all of Seller's water Certificate of Convenience and Necessity (CCN) No. 12677. The requested area includes approximately 419 acres and 50 connections.

Based on Staff's review of the above referenced application and supplemental information, Staff recommends that the application, as supplemented, 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) any affected customers, and other affected parties in the requested area.
- 2) Provide correct notice of the application to the following:
 - Brazos River Authority
 - Concord Robbins Water Supply Corporation (CCN No. 11717)
 - Limestone County Judge
 - Mid-East Texas Groundwater Conservation District
 - SLC Water Supply Corporation (CCN No. 12213)
- 3) Provide an accurate map delineating the requested service area with each individual notice to neighboring utilities, other affected parties, landowners 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

MEGAN ESTES, NOTICE OF INTENT TO PURCHASE WATER FACILITIES AND TO TRANSFER CEDAR CREEK WATER SUPPLY'S WATER CCN NO. 12677 IN LIMESTONE COUNTY, TEXAS

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

(Address)

(City State Zip)

Megan Estes 168 LCR 903 Jewett, Texas 75846
(Purchaser's Name) (Address) (City), (State) (Zip Code)

has submitted an application with the Public Utility Commission of Texas (Commission) to purchase Cedar Creek Water Supply water facilities and to transfer water certificated service area under CCN No. 12677 in Limestone County, TX from:

Cedar Creek Water Supply 141 LCR 908 Jewett, TX 75846
(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:
Cedar Creek Subdivision.

The requested area subject to this transaction is located approximately 10 miles west of downtown Jewett, Texas, and is generally bounded on the north by CR 882; on the east by FM 1512; on the south by Limestone/Leon County line; and on the west by Lake Limestone. The total requested area for the water or sewer CCN(s) being transferred includes approximately 419 acres and 50 current customers.

A copy of the map showing the requested area is available at: 141 LCR 908, Jewett, TX 75846

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.

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. 49714

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 _____