



Control Number: 49845



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DOCKET NO. 49845

**APPLICATION OF RIVER ACRES
WATER SUPPLY CORPORATION TO
AMEND ITS WATER CERTIFICATE
OF CONVENIENCE AND NECESSITY
IN NUECES COUNTY**

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PUBLIC UTILITY COMMISSION

OF TEXAS

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

COMES NOW the Staff of the Public Utility Commission of Texas (Staff), representing the public interest, and in response to Order No. 7, files this Supplemental Recommendation on Administrative Completeness and Proposed Notice. Staff recommends that the application be deemed administratively complete. In support thereof, Staff shows the following:

I. BACKGROUND

On August 12, 2019, River Acres Water Supply Corporation (River Acres) filed an application to amend its water Certificate of Convenience and Necessity (CCN) No. 11084 in Nueces County. The total water service area requested by River Acres is comprised of two distinct bounded areas, totaling approximately 816 acres. River Acres is presently serving one customer in one of the requested areas. On one of the tracts, River Acres received a request for service from a residential developer that plans to build 81 homes. On the other tract, River Acres anticipates future mixed-use development.

On May 13, 2020, River Acres filed a supplement to its application.

Earlier, on April 15, 2020, the Commission administrative law judge issued Order No. 7, granting an extension request by River Acres and requiring Staff to file supplemental comments on the administrative completeness of the application, along with a procedural schedule, by June 15, 2020. Therefore, this pleading is timely filed.

II. ADMINISTRATIVE COMPLETENESS

As detailed in the attached memorandum from Roshan Pokhrel in the Commission's Infrastructure Division, Staff has reviewed the application and supplemental information filed by River Acres and recommends that it be found administratively complete and accepted for filing.

Staff's recommendation on administrative completeness is not a comment on the merits of the application, but only that the application content is complete for further processing.

III. NOTICE

As detailed in the attached memorandum, Staff recommends that River Acres proceed with providing public notice. Specifically, Staff recommends that River Acres be directed to use the attached *Notice for Publication* form to publish notice once each week for two consecutive weeks in a newspaper of general circulation in Nueces County. Staff further recommends that River Acres be directed to use the attached *Notice to Neighboring Systems, Landowners, Customers 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 areas;
- b) the county judge of each county that is wholly or partially included in the requested areas;
- c) each groundwater conservation district that is wholly or partially included in the requested areas;
- d) landowners who own a tract of land that is at least 25 acres and is wholly or partly located in the requested areas where the CCN will be amended. The landowner information may be obtained from the county appraisal district tax rolls for the county or counties in which the requested areas are located;
- e) any affected customers, and other affected parties in the requested area; and

2) Provide correct notice of the application to the following:

- City of Corpus Christi (CCN No. 10554)
- City of Robstown
- Nueces County WCID (CCN No. 10556)
- Nueces River Authority
- Nueces WSC (CCN No. 11948)
- Port of Corpus Christi Authority
- San Patricio County Drainage District
- San Patricio County GCD
- South Texas Water Authority
- Nueces County Judge

Along with each individual notice, Staff recommends that River Acres be directed to provide an accurate map delineating the requested service areas. Additionally, Staff recommends that River Acres be directed to file the following information in the docket within 30 days of the date of notice: (1) a map and copy of notice; (2) an affidavit specifying every person and entity to whom notice was provided and the date that the notice was provided; and (3) the publisher's affidavit for proof of newspaper publication. Staff recommends that the Applicants use the attached notices and affidavits to meet these requirements.

IV. PROCEDURAL SCHEDULE

Staff recommends the application be found administratively complete. Therefore, Staff proposes the following procedural schedule:

Event	Date
Deadline for River Acres to file with the Commission signed affidavits that the notice was given along with a copy of the notice and map sent to the affected parties and published in a newspaper of general circulation	July 30, 2020
Deadline for Staff to file a recommendation on sufficiency of notice and propose a supplemental procedural schedule	August 6, 2020
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 River Acres be directed to provide notice as detailed above and in the attached memorandum, and that the proposed procedural schedule be adopted.

Dated: June 12, 2020

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Rachelle Nicolette Robles
Division Director

/s/ Richard Nemer

Richard Nemer
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P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7348
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DOCKET NO. 49845

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 June 12, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Richard Nemer

Richard Nemer

PUCT Interoffice Memorandum

To: Richard Nemer, Attorney
Legal Division

From: Roshan Pokhrel, Engineering Specialist
Infrastructure Division

Date: June 12, 2020

Subject: **Docket No. 49845**, *Application of River Acres Water Supply Corporation to Amend its Water Certificate of Convenience and Necessity in Nueces County*

On August 12, 2019, River Acres Water Supply Corporation (River Acres or Applicant) filed an application to amend its water certificate of convenience and necessity (CCN) No. 11084 in Nueces County, Texas, under Texas Water Code (TWC) §§ 13.242 to 13.250 and 16 Texas Administrative Code (TAC) §§ 24.225 to 24.237. On May 13, 2020, the Applicant filed a supplement to its application. The total requested water service area, comprised of two distinct bounded areas, is approximately 816 acres and includes one current customer that River Acres is presently serving.

Staff has reviewed the application and supplemental information filed by Applicant and recommends that the application be deemed sufficient for filing and administratively complete. Staff further recommends the following actions be required of the Applicant:

- 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 areas, including
 - City of Corpus Christi (CCN No. 10554)
 - City of Robstown
 - Nueces County WCID (CCN No. 10556)
 - Nueces River Authority
 - Nueces WSC (CCN No. 11948)
 - Port of Corpus Christi Authority
 - San Patricio County Drainage District
 - San Patricio County GCD
 - South Texas Water Authority;
 - b) The county judge of each county that is wholly or partially included in the requested areas, including
 - the Nueces County Judge;
 - c) Each groundwater conservation district that is wholly or partially included in the requested areas, if any;
 - d) Landowners who own a tract of land that is at least 25 acres and is wholly or partly located in the requested areas where the CCN will be amended. The landowner information may be obtained from the county appraisal district tax rolls for the county or counties in which the requested areas are located; and

- e) Any affected customers, and other affected parties in the requested areas.
- 2) Publish notice once each week for two (2) consecutive weeks in a newspaper of general circulation in Nueces County. Proof in the form of a publisher's affidavit must be filed within 30 days of the publication date.
- 3) Provide notice using the attached notice forms.
- 4) Provide an accurate map delineating each requested 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 Texas Commission on Environmental Quality's web site located at <http://www14.tceq.texas.gov/iwud/>
- 5) File in the docket a map for each requested area and a 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.

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 for Publication

**NOTICE OF APPLICATION TO AMEND A WATER CERTIFICATE OF
CONVENIENCE AND NECESSITY IN NUECES COUNTY, TEXAS**

River Acres Water Supply Corporation has filed an application with the Public Utility Commission of Texas to amend its Certificate of Convenience and Necessity (CCN) No. 11084 for the provision of retail water utility service in Nueces County.

Requested Water Service Areas:

Area 1:

The requested area is located approximately 6 miles north of downtown Robstown, TX, and is generally bounded on the north by Miller Road; on the east by CR 75; on the south by Northwest Boulevard; and on the west by CR 77. The total requested area includes approximately 483 acres and 0 current customers.

Area 2:

The requested area is located approximately 4 miles north of downtown Robstown, TX, and is generally bounded on the north by Northwest Boulevard; on the east by FM 1889; on the south by Amanda Lane; and on the west by Carousal Lane. The total requested area includes approximately 333 acres and 1 current customers.

A copy of the map showing the requested areas is available at: River Acres WSC, 15602 Northwest Blvd, Ste H, Robstown, TX 78380.

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 of 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 AMEND A WATER CERTIFICATE OF
CONVENIENCE AND NECESSITY IN NUECES COUNTY, TEXAS**

To: _____
(Neighboring System, Landowner, Customer or City)

Date Notice Mailed: _____, 20____

(Address)

(City State Zip)

River Acres Water Supply Corporation has filed an application with the Public Utility Commission of Texas to amend its Certificate of Convenience and Necessity (CCN) No. 11084 for the provision of retail water utility service in Nueces County.

Requested Water Service Areas:

Area 1:

The requested area is located approximately 6 miles north of downtown Robstown, TX, and is generally bounded on the north by Miller Road; on the east by CR 75; on the south by Northwest Boulevard; and on the west by CR 77. The total requested area includes approximately 483 acres and 0 current customers.

Area 2:

The requested area is located approximately 4 miles north of downtown Robstown, TX, and is generally bounded on the north by Northwest Boulevard; on the east by FM 1889; on the south by Amanda Lane; and on the west by Carousal Lane. The total requested area includes approximately 333 acres and 1 current customers.

See enclosed map showing the requested areas.

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.

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

PUBLIC UTILITY COMMISSION OF TEXAS



AFFIDAVIT OF NOTICE TO CURRENT CUSTOMERS, LANDOWNERS, NEIGHBORING UTILITIES AND AFFECTED PARTIES DOCKET NO. 49845

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 forth 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. 49845

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 _____