



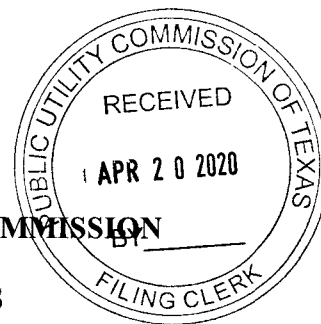
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DOCKET NO. 50042



**APPLICATION OF TRI TRY WATER
SUPPLY CORPORATION TO
OBTAIN A WATER CERTIFICATE
OF CONVENIENCE AND
NECESSITY IN STONEWALL
COUNTY**

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**PUBLIC UTILITY COMMISSION
OF TEXAS**

**STAFF'S THIRD SUPPLEMENTAL RECOMMENDATION ON ADMINISTRATIVE
COMPLETENESS, NOTICE, AND PROCEDURAL SCHEDULE**

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and files this Staff's Third Supplemental Recommendation on Administrative Completeness, Notice, and Procedural Schedule. Staff recommends that the application is administratively complete. In support thereof, Staff shows the following:

I. BACKGROUND

On September 23, 2019, Tri Try Water Supply Corporation (Tri Try WSC) filed an application to obtain a water certificate of convenience and necessity (CCN) in Stonewall County under Texas Water Code (TWC) §§ 13.242 to 13.250 and 16 Texas Administrative Code (TAC) §§ 24.225 to 24.237. Tri Try WSC filed supplemental information on November 19, 2019, January 23, 2020, March 17, 2020, and March 25, 2020.

On February 26, 2020, Order No. 4 in this proceeding was issued, requiring Staff to file a supplemental recommendation on the administrative completeness of application and to propose a procedural schedule, if appropriate, by April 20, 2020. Therefore, this pleading is timely filed.

II. ADMINISTRATIVE COMPLETENESS

Staff has reviewed the supplemented application and, as supported by the attached memoranda from Patricia Garcia, Infrastructure Division, and Fred Bednarski III, Rate Regulation Division, recommends that the application be deemed administratively complete. Staff's recommendation does not address the merits of the application.

III. NOTICE

In accordance with Staff's recommendation that the application is administratively complete, Staff further recommends that Tri Try WSC be ordered to provide notice to customers and affected parties as described in Ms. Garcia's memorandum, using the attached *Notice to Neighboring Systems, Landowners, Customers, and Cities, Notice for Publication*, and accompanying affidavits.

IV. PROCEDURAL SCHEDULE

In accordance with Staff's sufficiency recommendation, Staff proposes the following procedural schedule:

Event	Date
Deadline for Applicant 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	June 4, 2020
Deadline for Staff to file a recommendation on sufficiency of notice	June 15, 2020
Deadline to intervene	30 days after notice is issued

V. CONCLUSION

Staff recommends that Tri Try WSC's application be found administratively complete for filing, that Tri Try WSC be ordered to give notice as detailed in Ms. Garcia's memorandum using only the attached notice forms, and that the above-proposed procedural schedule be adopted. Staff respectfully requests that an order be issued consistent with the foregoing recommendations.

Dated: April 20, 2020

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Rachelle Nicolette Robles
Division Director

Heath D. Armstrong
Managing Attorney

/s/Courtney Dean
Courtney N. Dean
State Bar No. 24116269
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7235
(512) 936-7268 (facsimile)
courtney.dean@puc.texas.gov

DOCKET NO. 50042

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 April 20, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/Courtney Dean
Courtney N. Dean

Public Utility Commission of Texas

Memorandum

To: Courtney Dean, Attorney
Legal Division

From: Fred Bednarski III, Financial Analyst
Rate Regulation Division

Subject: **Docket No. 50042**, *Application of Tri Try Water Supply Corporation to Obtain a Water Certificate of Convenience and Necessity in Stonewall County*

Date: April 20, 2020

On September 23, 2019, Tri Try Water Supply Corporation (Applicant) filed an application to obtain a water Certificate of Convenience and Necessity in Stonewall County, Texas pursuant to Texas Water Code §§ 13.242 to 13.250 and 16 Texas Administrative Code §§ 24.225 to 24.237.

The Applicant supplemented the application on March 25, 2020. I reviewed the answers and supplemental information provided to questions 30 and 31 of the application and did not identify any deficiencies in those answers for purposes of determining whether the application is administratively complete. Therefore, I recommend that the application, as supplemented, be deemed administratively complete from a financial perspective.

PUCT Interoffice Memorandum

To: Courtney Dean, Attorney
Legal Division

From: Patricia Garcia, Infrastructure Division

Date: April 20, 2020

Subject: **Docket No. 50042** - *Application of Tri Try Water Supply Corporation to Obtain a Water Certificate of Convenience and Necessity in Stonewall County*

On September 23, 2019, Tri Try Water Supply Corporation (Tri Try WSC or Applicant) filed an application to obtain a water certificate of convenience and necessity (CCN) in Stonewall County per Texas Water Code (TWC) §§ 13.242 to 13.250 and 16 Texas Administrative Code (TAC) §§ 24.225 to 24.237.

Staff from the Rate Regulation Division and Infrastructure Division have reviewed the additional information filed by the Applicant on March 17, 2020 and recommend that the application be deemed administratively complete. Staff further recommends that the Applicant be ordered to do the following:

- 1) Provide notice of the application by first-class mail 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:
 - Brazos River Authority
 - City of Aspermont
 - Stonewall County WCID 1
 - b. The county judge of each county that is wholly or partially included in the requested area:
 - Stonewall County Judge
 - c. Each landowner of a tract of land that is at least 25 acres and is wholly or partly located in the requested area. Notice must be mailed to the owner of the tract of land according to the most current tax appraisal rolls of the applicable central appraisal district at the time the application was filed.
 - d. Any affected customers, and other affected parties in the requested area.

Addresses can be obtained by the Applicant from the Water Utility Database at <http://www.puc.texas.gov/watersearch>. Information related to districts including addresses can be obtained from the Texas Commission on Environmental Quality's (TCEQ) web site located at <http://www14.tceq.texas.gov/iwud/>.

- 2) Publish notice in a newspaper having general circulation in the county where the requested area is located, once each week for two consecutive weeks. Proof in the form of a publisher's affidavit must be filed within 30 days of the publication date. The affidavit must state with specificity each county in which the newspaper is of general circulation. Within 30 days of the date the notice was mailed, Applicant must file an affidavit specifying the notice that was provided to every person and entity to whom notice was provided and the date the notice was mailed.

- 3) Provide notice using the attached notice forms.
- 4) Provide a copy of a map delineating the requested area with each individual notice to neighboring utilities, other affected parties, landowners and customers.
- 5) File in the docket a map and copy of notice along with the signed 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.

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.

Notice for Publication

**NOTICE OF APPLICATION TO OBTAIN A CERTIFICATE OF CONVENIENCE AND NECESSITY TO
PROVIDE WATER UTILITY SERVICE IN STONEWALL COUNTY, TEXAS**

Tri Try Water Corp. has filed an application with the Public Utility Commission of Texas to obtain a Certificate of Convenience and Necessity (CCN) for the provision of retail water utility service in Stonewall County.

The requested area is located approximately 1 mile west of downtown City of Aspermont, Texas, and is generally bounded on the north by intersection of CR 465 and FM 2211; on the east by CR 402 and South Vivian Avenue; on the south by CR 476; and on the west by CR 421 and CR 423. The total requested area includes approximately 20,171 total acres and 64 current customers.

A copy of the map showing the requested area is available at:
Stonewall County Courthouse, 128 Town Square La., Aspermont

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. The letter must include the person's name, address, email address and fax number, if applicable.

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 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, a metes and bounds description of the landowner's tract of land, landowner's name, address, email address and fax number, if applicable.

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 OBTAIN A CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE WATER UTILITY SERVICE IN STONEWALL COUNTY, TEXAS

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

Date Notice Mailed: _____, 20____

(Address)

(City State Zip)

Tri Try Water Corp. has filed an application with the Public Utility Commission of Texas to obtain a Certificate of Convenience and Necessity (CCN) for the provision of retail water utility service in Stonewall County.

The requested area is located approximately 1 mile west of downtown City of Aspermont, Texas, and is generally bounded on the north by intersection of CR 465 and FM 2211; on the east by CR 402 and South Vivian Avenue; on the south by CR 476; and on the west by CR 421 and CR 423. The total requested area includes approximately 20,171 total acres and 64 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. The letter must include the person's name, address, email address and fax number, if applicable.

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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.

PUBLIC UTILITY COMMISSION OF TEXAS



AFFIDAVIT OF NOTICE TO CURRENT CUSTOMERS, LANDOWNERS, NEIGHBORING UTILITIES AND AFFECTED PARTIES

DOCKET NO. 50042

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 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. 50042

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 _____