



Control Number: 50122



Item Number: 4

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DOCKET NO. 50122

RECEIVED

APPLICATION OF MADERA
VALLEY WATER SUPPLY
CORPORATION AND THE TOWN
OF PECOS CITY FOR SALE,
TRANSFER, OR MERGER OF
WATER FACILITIES AND
CERTIFICATE RIGHTS IN REEVES
COUNTY

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2019 NOV 20 PM 1:43
PUBLIC UTILITY COMMISSION
FILING CLERK
PUBLIC UTILITY COMMISSION
OF TEXAS

COMMISSION STAFF'S RECOMMENDATION ON ADMINISTRATIVE COMPLETENESS

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and, in response to Order No. 1, files this Recommendation on Administrative Completeness. Staff recommends that the application be deemed sufficient for further review. In support thereof, Staff shows the following:

I. BACKGROUND

On October 23, 2019, Madera Valley Water Supply Corporation (Madera Valley WSC) and Town of Pecos City (Pecos City), (collectively, Applicants), filed an application for the sale, transfer, or merger of facilities and certificate rights in Reeves County. Specifically, Madera Valley WSC seeks to sell a portion of its facilities and transfer a portion of its water service area held under certificate of convenience and necessity (CCN) No. 10240 to Pecos City. Pecos City's water CCN No. 10945 will be amended. The requested area includes approximately 11,112.79 acres and 66 connections. Applicants filed supplemental information on November 8, 2019.

On October 28, 2019, Order No. 1 was issued, establishing a deadline of November 22, 2019, for Staff to file a recommendation on the administrative completeness of the application and proposed 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 drafted by Nabaraj Pokharel of the Commission's Infrastructure Division, Staff has reviewed the application and recommends that the application be found administratively complete.

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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 Nabaraj Pokharel.

IV. PROCEDURAL SCHEDULE

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

Event	Date
Deadline for Applicants to file proof of notice with the Commission	December 30, 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 be found administratively complete. Staff further recommends that the procedural schedule proposed above be adopted for further processing of this docket.

Dated: November 20, 2019

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Margaret Uhlig Pemberton
Division Director

Rachelle Nicolette Robles
Managing Attorney

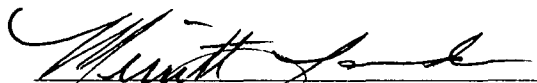


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CERTIFICATE OF SERVICE

I certify that a copy of this document will be served on all parties of record on November 20, 2019 in accordance with 16 TAC § 22.74.


Merritt N. Lander

PUC Interoffice Memorandum

To: Merritt Lander, Attorney
Legal Division

Through: Heidi Graham, Manager
Infrastructure Division

From: Nabaraj Pokharel, Engineering Specialist
Infrastructure Division

Date: November 14, 2019

Subject: **Docket No. 50122:** *Application of Madera Valley Water Supply Corporation and the Town of Pecos City for Sale, Transfer, or Merger of Water Facilities and Certificate Rights in Reeves County*

On October 23, 2019, Madera Valley Water Supply Corporation (Madera Valley WSC or Seller) and the Town of Pecos City (Pecos City or Buyer) (collectively Applicants) filed an application for a sale, transfer, or merger (STM) of facilities and Certificate of Convenience and Necessity (CCN) rights in Reeves County, Texas. This application was filed pursuant to Texas Water Code § 13.301 and 16 Texas Administrative Code (TAC) § 24.239. Specifically, Madera Valley WSC seeks to sell a portion of its facilities and transfer a portion of its water service area held under CCN number 10240 to Pecos City. Pecos City's water CCN No.10945 will be amended.

Staff reviewed the additional information filed by the Applicants on November 8, 2019 and recommends that the application be deemed sufficient for filing and 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;
 - d) landowners who own a tract of land that is at least 25 acres and is wholly or partly located in the requested area to be certified. The landowner information may be obtained from the county appraisal district tax rolls for the county or counties in which the requested area is located;
 - e) any affected customers, and other affected parties in the requested area; and
 - f) publish notice once each week for two (2) consecutive weeks in a newspaper of general circulation in Reeves County.

- 2) Provide correct notice of the application to the following entities:
 - a) Reeves County Groundwater Conservation District
 - b) Reeves County Judge
 - c) Reeves County Water Improvement District 2
 - d) Ward County Irrigation District 1
- 3) Provide an accurate map delineating the 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 TCEQ's web site located at <http://www14.tceq.texas.gov/iwud/>
- 4) Within 30 days of the date of the notice, 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 the Applicant use the attached notices and affidavits to meet these requirements.

Note: Any confidential items should be submitted as confidential filings with the PUC. The instructions for filing confidential documents can be found on our website at: (<http://www.puc.texas.gov/industry/filings/FilingProceed.aspx>).

Notice to Current Customers, Neighboring Systems, and Cities

THE TOWN OF PECOS CITY, CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN) NO. 10945, NOTICE OF INTENT TO PURCHASE WATER FACILITIES AND TO TRANSFER MADERA VALLEY WATER SUPPLY CORPORATION'S WATER CCN NO. 10240, IN REEVES COUNTY, TEXAS

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

(Address)

(City State Zip)

<u>Town of Pecos City</u>	<u>P O Box 929</u>	<u>Pecos, TX</u>	<u>79772</u>
(Purchaser's Name)	(Address)	(City), (State)	(Zip Code)

has submitted an application with the Public Utility Commission of Texas (Commission) to purchase water facilities and to transfer water certificated service area under CCN No. 10240 in Reeves County, TX from:

<u>Madera Valley WSC</u>	<u>P O Box 9009</u>	<u>Verhalen, TX</u>	<u>79772</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:

The requested area is located approximately 5 miles west of downtown Town of Pecos City, TX, and is generally bounded on the north by CR 424; on the east by FM 1216; on the south by CR 206; and on the west by FM 869. The requested area includes approximately 11,113 total acres and 66 current customers.

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. 50122

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 _____