



Control Number: 50249



Item Number: 4

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**DOCKET NO. 50249**

**APPLICATION OF SP UTILITY  
COMPANY, INC. TO AMEND ITS  
CERTIFICATES OF CONVENIENCE  
AND NECESSITY IN FORT BEND  
COUNTY**

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**PUBLIC UTILITY COMMISSION  
OF TEXAS**

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

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

**I. BACKGROUND**

On November 18, 2019, SP Utility Company, Inc. (SPUC) filed an application to amend its water Certificate of Convenience and Necessity (CCN) No. 12978 in Fort Bend County, Texas pursuant to Texas Water Code Ann. (TWC) §§ 13.242 - 13.250 and 16 Texas Administrative Code (TAC) §§ 24.225 to 24.237.

On November 20, 2019, Order No. 1 was issued, which established a deadline of December 18, 2019 for Staff to file comments on the administrative completeness of the application and proposed notice and to propose a procedural schedule. This pleading is therefore timely filed.

**II. ADMINISTRATIVE COMPLETENESS AND NOTICE**

As detailed in the attached memorandum from Nabaraj Pokharel, Engineering Specialist of the Commission's Infrastructure Division, Staff has reviewed SPUC's application as supplemented, and recommends that the application be found administrative complete. Staff recommends that SPUC be directed to use the attached notice forms to provide notices as detailed in Mr. Pokharel's attached memorandum. Staff further recommends that SPUC be directed to file a copy of the notice issued. SPUC should also submit fully executed affidavit of notice, using the attached draft affidavit as a template.

**IV. AGREED PROCEDURAL SCHEDULE**

Staff proposes the following procedural schedule:

<b>Event</b>	<b>Date</b>
Deadline for SPUC to file with the Commission signed affidavits that notice was given along with a copy of the notice sent to the affected parties and published in a newspaper of general circulation	February 3, 2020
Deadline for Staff to file a recommendation on sufficiency of notice	Within 10 days of SPUC filing proof of completed notice with the Commission
Deadline to intervene	30 days after notice is issued

**V. CONCLUSION**

For the reasons detailed above, Staff recommends that the application be found administratively complete, that SPUC be directed to provide notice as detailed above and in the attached memorandum, and that the agreed procedural schedule proposed above be adopted.


Dated: December 18, 2019

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Thomas S. Hunter  
Division Director

Rachelle Nicolette Robles  
Managing Attorney

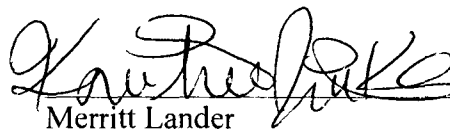
  
Merritt Lander  
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1701 N. Congress Avenue  
P.O. Box 13326  
Austin, Texas 78711-3326  
(512) 936-7290  
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*w/permission  
for Merritt Lander.*

**DOCKET NO. 50249**

**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on December 18, 2019, in accordance with 16 TAC § 22.74.

  
Merritt Lander

*w/permission  
for Merritt Lander.*

## PUC Interoffice Memorandum

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**To:** Merritt Lander, Attorney  
Legal Division

**From:** Nabaraj Pokharel, Engineering Specialist  
Infrastructure Division

**Date:** December 10, 2019

**Subject:** **Docket 50249**, *Application of SP Utility Company, Inc to Amend its Certificates of Convenience and Necessity in Fort Bend County*

On November 18, 2019, SP Utility Company, Inc (SPUC) filed with the Public Utility Commission of Texas (Commission) an application to amend its water Certificate of Convenience and Necessity (CCN) No. 12978 in Fort Bend County, Texas pursuant to Texas Water Code Ann. (TWC) §§ 13.242 - 13.250 and 16 Texas Administrative Code (TAC) §§ 24.225 to 24.237.

Staff has reviewed the information filed by the applicant and recommends that the application be deemed sufficient for filing and administratively complete. Staff further recommends SPUC 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; and
  - d. publish notice once each week for two consecutive weeks in a newspaper of general circulation in Denton and Collin Counties.
- 2) Provide correct notice of the application to the following entities:
  - Aqua Texas Inc (CCN No. 13203)
  - Brazos River Authority
  - City of Fairchilds
  - City of Needville
  - Fort Bend County Drainage District
  - Fort Bend County Judge
  - Fort Bend Subsidence District
  - Undine Texas LLC (CCN No. 13260)
- 3) Include an accurate map delineating the requested area with each individual notice to neighboring utilities, landowners and other affected parties. Information related to districts

including addresses can be obtained 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 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 SPUC use the attached notices and affidavits to meet these requirements.

***Notice for Publication***

**NOTICE OF APPLICATION TO AMEND A CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE WATER UTILITY SERVICE IN FORT BEND, TEXAS**

SP Utility Company Inc. (Applicant) has filed an application with the Public Utility Commission of Texas to amend its Certificate of Convenience and Necessity (CCN) No 12978 for the provision of retail water utility service in Fort Bend County.

The requested area is located approximately 2 miles northeast of downtown Needville, TX, and is generally bounded on the north by Old Needville Fairchild Road; on the east by Jeske Road; on the south by Boyd Road; and on the west by Padon Road.

The requested area includes approximately 49 total acres and 0 current customers.

The requested area overlaps the boundaries of the Fort Bend Subsidence District. If the Fort Bend Subsidence District does not request a public hearing, the Commission shall determine that the district is consenting to the SP Utility Company Inc's request to provide retail water utility service in the requested area.

**A copy of the map showing the requested area is available at:** 17230 Huffmeister Road, Suite A, Cypress, Texas 77429

*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 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 CERTIFICATE OF CONVENIENCE AND  
NECESSITY TO PROVIDE WATER UTILITY SERVICE IN FORT BEND, TEXAS**

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

Date Notice Mailed: \_\_\_\_\_. 20\_\_

SP Utility Company Inc. (Applicant) has filed an application with the Public Utility Commission of Texas to amend its Certificate of Convenience and Necessity (CCN) No 12978 for the provision of retail water utility service in Fort Bend County.

The requested area is located approximately 2 miles northeast of downtown Needville, TX, and is generally bounded on the north by Old Needville Fairchild Road; on the east by Jeske Road; on the south by Boyd Road; and on the west by Padon Road.

The requested area includes approximately 49 total acres and 0 current customers.

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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. **50249**

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. 50249

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 \_\_\_\_\_