

Control Number: 50251



Item Number: 12

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RECEIVED

APPLICATION OF JRM WATER LLC §  
AND CSWR-TEXAS UTILITY §  
OPERATING COMPANY, LLC FOR §  
SALE, TRANSFER, OR MERGER OF §  
FACILITIES AND CERTIFICATE §  
RIGHTS IN VICTORIA COUNTY §

PUBLIC UTILITY COMMISSION  
2020 JAN 30 AM 10:54  
PUBLIC UTILITY COMMISSION  
OF TEXAS  
CLERK

**COMMISSION STAFF'S AMENDED SUPPLEMENTAL RECOMMENDATION ON ADMINISTRATIVE COMPLETENESS, PROPOSED NOTICE AND PROPOSED PROCEDURAL SCHEDULE**

COMES NOW the Staff (Staff) of the Public Utility Commission of Texas (Commission), representing the public interest, and in response to Order No. 2, files this Amended Supplemental Recommendation on Administrative Completeness, Proposed Notice and Proposed Procedural Schedule. Staff recommends that the application be deemed sufficient for further review. In support thereof, Staff shows the following:

**I. BACKGROUND**

On November 18, 2019, CSWR-Texas Utility Operating Company (CSWR) and JRM Water LLC (JRM) (collectively, Applicants) filed an application for Sale, Transfer, or Merger (STM) of facilities and certificate rights in Victoria County, Texas, under Texas Water Code (TWC) § 13.301 and the 16 Tex. Admin. Code (TAC) § 24.239. Specifically, the Purchaser seeks approval to acquire facilities, transfer water service area, obtain a new water Certificate of Convenience and Necessity (CCN) and cancel JRM's Water CCN No. 11548. Applicants filed supplemental information on January 9, 2020.

On December 30, 2019, Order No. 2 was issued establishing a deadline of January 30, 2020, for Staff to file a supplemental recommendation on the administrative completeness of the application and notice and propose a procedural schedule for further processing of the application. On January 29, 2020, Staff timely filed its supplemental recommendation on the administrative completeness of the application and notice but inadvertently included a requirement for published notice and did not include the necessary attachments. This amended supplemental recommendation on the administrative completeness of the application includes the necessary attachments and removes the reference to published notice.

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## II. ADMINISTRATIVE COMPLETENESS

As detailed in the attached memorandum from Nabaraj Pokharel in the Commission's Infrastructure Division, Staff has reviewed the application and supplemental information filed by Applicant 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 it is complete for further processing.

### I. NOTICE

As detailed in the attached memorandum, Staff recommends that Applicants proceed with providing public notice. Specifically, Staff recommends that Applicants be directed to use the attached *Notice to Landowners, Neighboring Systems, 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 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

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

- Goliad County WSC (CCN No. 13028)
- JRM Water LLC (CCN No. 11548)
- Guadalupe-Blanco River Authority
- San Antonio River Authority
- Victoria County Groundwater Conservation District
- Victoria County Navigation District
- Victoria County Judge

3) Provide an accurate map delineating the requested area with each individual notice to neighboring utilities, other affected parties, and customers. Information related to districts

including addresses can be obtained by the Applicant from the Texas Commission on Environmental Quality's (TCEQ) web site located at <http://www14.tceq.texas.gov/iwud/>

- 4) 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.

#### **IV. PROCEDURAL SCHEDULE**

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

<b>Event</b>	<b>Date</b>
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	March 16, 2020
Deadline for Staff to file a recommendation on sufficiency of notice	March 26, 2020
Deadline to intervene	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 Applicants be directed to provide notice as detailed above and in the attached memorandum, and that the procedural schedule proposed above be adopted.

Dated: January 29, 2020

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Thomas S. Hunter  
Division Director

Rachelle Nicolette Robles  
Managing Attorney



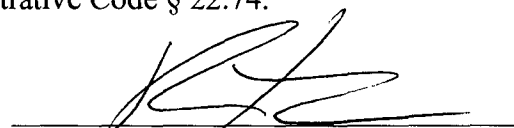
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**DOCKET NO. 50251**

**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on January 29, 2020, in accordance with 16 Texas Administrative Code § 22.74.



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Rustin Tawater

## PUC Interoffice Memorandum

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**To:** Rustin Tawater, Attorney  
Legal Division

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

**Date:** January 23, 2020

**Subject:** **Docket 50251:** Application of JRM Water LLC and CSWR-Texas Utility Operating Company, LLC for Sale, Transfer, or Merger of Facilities and Certificate Rights in Victoria County

On November 18, 2019, CSWR-Texas Utility Operating Company (CSWR or Purchaser) and JRM Water LLC (JRM or Seller) (collectively, Applicants) filed an application for Sale, Transfer, or Merger (STM) of facilities and certificate rights in Victoria County, Texas, under Texas Water Code § 13.301 and the 16 Texas Administrative Code § 24.239. Specifically, the Purchaser seeks approval to acquire facilities, transfer water service area, obtain a new water Certificate of Convenience and Necessity (CCN) and cancel JRM's Water CCN No. 11548.

Staff has reviewed the additional information filed by the Applicant on November 26, 2019 and January 9, 2020 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) Any affected customers, and other affected parties in the requested area; and
- 2) Provide correct notice of the application to the following entities:
  - Goliad County WSC (CCN No. 13028)
  - JRM Water LLC (CCN No. 11548)
  - Guadalupe-Blanco River Authority
  - San Antonio River Authority
  - Victoria County Groundwater Conservation District
  - Victoria County Navigation District
  - Victoria County Judge
- 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**

CSWR-TEXAS UTILITY OPERATING COMPANY, NOTICE OF INTENT TO PURCHASE WATER FACILITIES AND TO TRANSFER JRM WATER LLC'S WATER CCN NO. 11548, IN VICTORIA COUNTY, TEXAS

To: \_\_\_\_\_ Date Notice Mailed: \_\_\_\_\_, 2020  
(Name of Customer, Neighboring System, or City)  
\_\_\_\_\_  
(Address)  
\_\_\_\_\_  
(City State Zip)

CSWR-TEXAS Utility Operating Company, LLC 1011 West 31st Street Austin, Texas 78705  
(Purchaser's Name) (Address) (City), (State) (Zip Code)

has submitted an application with the Public Utility Commission of Texas (Commission) to purchase JRM Water LLC's water facilities and to transfer water certificated service area, under Certificate of Convenience and Necessity (CCN) No. 11548 in Victoria County, TX from:

JRM Water LLC 1948 Jay Street Lakewood, CO 80214  
(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 9.8 miles southwest of downtown Victoria, TX, and is generally bounded on the north by intersection of Coletto Creek and US Highway 59 South; on the east by Coletto Creek and Reeves Ranch Park Road; on the south by Reeves Ranch Park Road; and on the west by US Highway 59 South. The requested area includes approximately 438 total acres and 211 current customers.

**A copy of the map showing the requested area is available at:** CSWR Texas offices upon request.

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 OF TEXAS



AFFIDAVIT OF NOTICE TO CURRENT CUSTOMERS, NEIGHBORING UTILITIES AND  
AFFECTED PARTIES  
DOCKET NO. 50251

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 \_\_\_\_\_