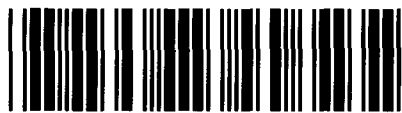


Control Number: 50324



Item Number: 7

Addendum StartPage: 0

**DOCKET NO. 50324**

**APPLICATION OF COUNTY LINE §  
SPECIAL UTILITY DISTRICT TO §  
OBTAIN A SEWER CERTIFICATE §  
OF CONVENIENCE AND NECESSITY §  
IN HAYS AND CALDWELL COUNTY §**

**PUBLIC UTILITY COMMISSION  
OF TEXAS**  
2020 MAR 5  
FILED  
PUBLIC UTILITY COMMISSION  
CLERK

**COMMISSION STAFF'S SUPPLEMENTAL RECOMMENDATION ON  
ADMINISTRATIVE COMPLETENESS**

**COMES NOW** the Staff of the Public Utility Commission of Texas (Staff), representing the public interest and files this supplemental recommendation. Staff recommends that the application be found administratively complete. In support thereof, Staff would show the following:

**I. BACKGROUND**

On December 6, 2019, County Line Special Utility District (County Line) filed an application for a sewer certificate of convenience and necessity in Hays and Caldwell counties pursuant to Texas Water Code (TWC) §§ 13.242-.250 and 16 Texas Administrative Code (TAC) §§ 24.225-.237. The requested area consists of approximately 17,942 acres, 2 existing connections, and 24,100 future connections.

On January 10, 2020, Order No. 2 was issued, requiring Staff to file supplemental comments on the administrative completeness of the application and proposed notice by March 6, 2020. This pleading, therefore, is timely filed.

**II. ADMINISTRATIVE COMPLETENESS**

After review, and consistent with the attached memorandum of Roshan Pokhrel of the Infrastructure Division, Staff recommends that the application be found administratively complete and accepted for filing. This recommendation does not speak to the ultimate merits of the application.

**III. NOTICE**

As detailed in the attached memorandum, Staff recommends that Applicant proceed with providing public notice. Specifically, Staff recommends that Applicant be directed to use the

attached Notice for Publication form to publish notice once each week for two (2) consecutive weeks in a newspaper of general circulation in Hays and Caldwell Counties. Staff further recommends that Applicant be directed to use the attached Notice to Landowners, Neighboring Systems, and Cities form to complete notice as detailed in the attached memorandum.

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

Staff 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	April 6, 2020
Deadline for Staff to file a recommendation on sufficiency of notice	April 16, 2020
Deadline to intervene	Thirty (30) days after notice is issued

#### **IV. CONCLUSION**

Staff respectfully requests the issuance of an order consistent with the foregoing recommendation.

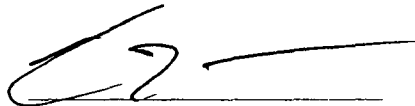
Dated: March 5, 2020

Respectfully Submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS  
LEGAL DIVISION**

Rachelle Nicolette Robles  
Division Director

Heath D. Armstrong  
Managing Attorney




Creighton R. McMurray  
State Bar No. 24109536  
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Austin, Texas 78711-3326  
(512) 936-7275  
(512) 936-7268 (facsimile)  
creighton.mcmurray@puc.texas.gov

**DOCKET NO. 50324**

**CERTIFICATE OF SERVICE**

I certify that a copy of this document will be served on all parties of record on this the 5<sup>th</sup> of March 2020 in accordance with 16 TAC § 22.74.



Creighton R. McMurray

## PUCT Interoffice Memorandum

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**To:** Creighton McMurray, Attorney  
Legal Division

**From:** Roshan Pokhrel, Engineering Specialist  
Infrastructure Division

**Date:** March 5, 2020

**Subject:** **Docket No. 50324**, *Application of County Line Special Utility District to Obtain Sewer Certificate of Convenience and Necessity in Hays and Caldwell County*

On December 6, 2019, County Line Special Utility District (Applicant) filed with the Public Utility Commission of Texas an application to obtain a sewer Certificate of Convenience and Necessity in Hays and Caldwell County, under Texas Water Code §§ 13.242 to 13.250 and the 16 Texas Administrative Code §§ 24.225 to 24.237. The requested area includes approximately 17,942 acres, 2 existing connections, and 24,100 future connections.

Staff has reviewed the additional information filed by the Applicant on February 6, 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) 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 Hays and Caldwell Counties.
- 2) Provide correct notice of the application to the following:
  - Aqua Texas Inc (CCN No. 20453)
  - Barton Springs/Edwards Aquifer CD
  - Caldwell County Judge
  - Canyon Regional Water Authority
  - City of Kyle (CCN No. 20410)
  - City of Lockhart
  - City of Niederwald
  - City of San Marcos (CCN No. 20116)

- City of Uhland
  - Crosswinds MUD
  - Edwards Aquifer Authority
  - Guadalupe-Blanco River Authority
  - Hays County Judge
  - JDB Turner Crest Wastewater LLC (CCN No. 21004)
  - LaSalle MUD 1
  - LaSalle MUD 4
  - LaSalle MUD 5
  - Parklands MUD 1
  - Plum Creek CD
  - Ranch at Clear Fork Creek MUD 1
  - Ranch at Clear Fork Creek MUD 2
  - The Railyard WWTP (CCN No. 20875)
- 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 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 a copy of the 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.

Staff also needs the following information in order to continue processing the application:

- A copy of the meeting minutes when district's board approved the application for a sewer CCN.
- The list of landowners who have dedicated easements to the County Line Special Utility District for the construction of infrastructure.
- A copy of a TCEQ approved water quality discharge permit for WQ0015635002.
- A copy of the executed developer agreements or any other agreement for each of the subdivisions and schools in the requested area for the provision of sewer service.

***Notice for Publication***

**NOTICE OF APPLICATION TO OBTAIN A CERTIFICATE OF CONVENIENCE AND NECESSITY TO  
PROVIDE SEWER UTILITY SERVICE IN HAYS AND CALDWELL COUNTIES, TEXAS**

County Line SUD 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 sewer utility service in Hays and Caldwell Counties.

The requested area is located approximately 5 miles east of downtown Kyle, TX, and is generally bounded on the north by Goforth Rd and Heidenreich Ln; on the east by Rhode Rd and FM 2001; on the south by Misty Ln and Jolly Rd; and on the west by FM 1966. The requested area includes approximately 17,942 total acres and 2 current customers.

**A copy of the map showing the requested area is available at:** County Line SUD Office

*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 OBTAIN A CERTIFICATE OF CONVENIENCE AND NECESSITY TO  
PROVIDE SEWER UTILITY SERVICE IN HAYS AND CALDWELL COUNTIES, TEXAS**

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

Date Notice Mailed: \_\_\_\_\_, 20 \_\_\_\_

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(City State Zip)

County Line SUD 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 sewer utility service in Hays and Caldwell Counties.

The requested area is located approximately 5 miles east of downtown Kyle, TX, and is generally bounded on the north by Goforth Rd and Heidenreich Ln; on the east by Rhode Rd and FM 2001; on the south by Misty Ln and Jolly Rd; and on the west by FM 1966. The requested area includes approximately 17,942 total acres and 2 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.*

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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. **50324**

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. 50324

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 \_\_\_\_\_