



Control Number: 50399



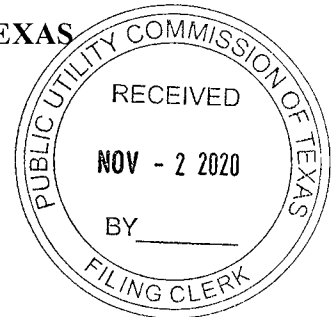
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Addendum StartPage: 0

DOCKET NO. 50399

**APPLICATION OF NEVADA SPECIAL
UTILITY DISTRICT TO AMEND ITS
CERTIFICATE OF CONVENIENCE
AND NECESSITY AND TO
DECERTIFY PORTIONS OF
CERTIFICATED WATER SERVICE
AREAS OF CADDO BASIN SPECIAL
UTILITY DISTRICT, COPEVILLE
SPECIAL UTILITY DISTRICT, AND
CITY OF JOSEPHINE IN COLLIN
COUNTY**

**PUBLIC UTILITY COMMISSION
OF TEXAS**



**COMMISSION STAFF'S THIRD SUPPLEMENTAL RECOMMENDATION ON
ADMINISTRATIVE COMPLETENESS OF THE APPLICATION**

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

I. BACKGROUND

On December 30, 2019, Nevada Special Utility District (Nevada SUD) filed an application to amend its water Certificate of Convenience and Necessity (CCN) No. 12175 through the addition of service area, and to decertify those portions of certificated water service areas of Caddo Basin Special Utility District, Copeville Special Utility District, and City of Josephine in Collin County that will be added to Nevada SUD's existing service area. The requested service area consists of 1,377.8 acres and 14 customer connections. Applicants filed supplemental information on March 5, 2020; March 31, 2020; April 2, 2020; April 17, 2020; May 28, 2020; June 26, 2020; August 31, 2020; and September 28, 2020.

On September 15, 2020, the administrative law judge (ALJ) filed Order No. 8, requiring Staff to file a supplemental recommendation on the administrative completeness of the application and to propose a procedural schedule for the further processing of the application by November 1, 2020. Therefore, this pleading is timely filed.¹

¹ Order No. 8 established a deadline of November 1, 2020, which is a Sunday, and the Commission is not open for business. Under 16 TAC § 22.4(a), the designated period runs until the end of the next day on which the

II. ADMINISTRATIVE COMPLETENESS

Staff has reviewed the application and supplemental information filed by Nevada SUD and, as detailed in the attached memoranda of Reginald Tuvilla, Infrastructure Division, and Fred Bednarski, Rate Regulation Division, recommends that the application be found administratively complete. Staff's recommendation on administrative completeness is not a comment on the merits of the application, but only that the application content is complete for further processing.

III. NOTICE

As detailed in the attached memorandum, Staff recommends that Nevada SUD proceed with providing public notice. Specifically, Staff recommends that Nevada SUD be directed to use the attached *Notice for Publication* form to publish notice once each week for two consecutive weeks in a newspaper of general circulation in Collin County. Staff further recommends that Nevada SUD be directed to use the attached *Notice to Neighboring Systems, Landowners, Customers and Cities* form to complete the following actions:

- 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:
 - *Caddo Basin SUD (CCN No. 10165)*
 - *City of Josephine (CCN No. 12307)*
 - *City of Nevada*
 - *City of Royse City (CCN No. 12827)*
 - *Copeville SUD (CCN No. 11376)*
 - *Double R MUD 2 of Hunt County*
 - *Lavon SUD (CCN No. 10066)*
 - *North Texas MWD*
 - *Sabine River Authority*
 - b. The county judge of each county that is wholly or partially included in the requested area:
 - *Collin County Judge*

Commission is open for business. In this case, the next day the Commission is open for business is November 2, 2020.

- c. Each groundwater conservation district that is wholly or partially included in the requested area:

- *North Texas Groundwater Conservation District*

- d. Any affected customers, and other affected parties in the requested area.

Addresses can be obtained by the Nevada SUD from the Water Utility Database at <http://www.puc.texas.gov/watersearch>. District information and 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, Nevada SUD 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 the approved map (map deemed sufficient during administrative review) of the requested area with each individual notice to neighboring utilities, affected parties, and customers.
- 5) File in the docket a copy of notice and the approved map 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 and tear sheets for proof of newspaper publication.

IV. PROCEDURAL SCHEDULE

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

Event	Date
Deadline for Nevada SUD to file with the Commission signed affidavits that the notice was given along with a copy of the notice and map sent to the affected parties and published in a newspaper of general circulation	December 16, 2020
Deadline for Staff to file a recommendation on sufficiency of notice and propose a supplemental procedural schedule	December 30, 2020
Deadline to intervene	Thirty (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 Nevada SUD be directed to provide notice as detailed above and in the attached memorandum, and that the proposed procedural schedule be adopted.

Dated: November 2, 2020

Respectfully submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

Rachelle Nicolette Robles
Division Director

Heath D. Armstrong
Managing Attorney

/s/ Robert Dakota Parish
Robert Dakota Parish
State Bar No. 24116875
1701 N. Congress Avenue
P.O. Box 13326
Austin, Texas 78711-3326
(512) 936-7442
(512) 936-7268 (facsimile)
Robert.Parish@puc.texas.gov

DOCKET NO. 50399

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 November 2, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Robert Dakota Parish
Robert Dakota Parish

Public Utility Commission of Texas

Memorandum

TO: Robert Parish, Attorney
Legal Division

FROM: Fred Bednarski III, Financial Analyst
Rate Regulation Division

DATE: November 2, 2020

RE: Docket No. 50399 - *Application of Nevada Special Utility District to Amend its Water Certificate of Convenience and Necessity and to Decertify Portions of Certificated Water Service Areas of Caddo Basin Special Utility District, Copeville Special Utility District and City of Josephine in Collin County*

On December 30, 2019, Nevada Special Utility District filed an application to amend its water Certificate of Convenience and Necessity No. 12175 to add service area and decertify portions of certificated water service areas of Caddo Basin Special Utility District, Copeville Special Utility District, and City of Josephine in Collin County, Texas under provision of Texas Water Code §§ 13.242 to 13.250 and 16 Texas Administrative Code §§ 24.225 to 24.237.

I have 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 Commission deem the application administratively complete from a financial perspective.

Public Utility Commission of Texas

Memorandum

To: Robert Parish, Attorney
Legal Division

From: Reginald Tuvilla, Infrastructure Analyst
Infrastructure Division

Date: November 2, 2020

Subject: **Docket No. 50399**, *Application of Nevada Special Utility District to Amend its Certificate of Convenience and Necessity and to Decertify Portions of Certificated Water Service Areas of Caddo Basin Special Utility District, Copeville Special Utility District, and City of Josephine in Collin County*

On December 30, 2019, Nevada Special Utility District (Nevada SUD) filed with the Public Utility Commission of Texas (Commission) an application to amend its water Certificate of Convenience and Necessity (CCN) No. 12175 and to decertify portions of certificated water service areas of Caddo Basin Special Utility District (CCN No. 10165), Copeville Special Utility District (CCN No. 11376), and City of Josephine (CCN No. 12307) in Collin County, Texas under Texas Water Code (TWC) §§ 13.242 to 13.250 and 16 Texas Administrative Code (TAC) §§ 24.225 to 24.237.

Based on the mapping review of Tracy Montes, Infrastructure Division, the maps filed on May 28, 2020 and the digital mapping data filed on September 28, 2020 are sufficient. Furthermore, based on the financial and managerial review by Fred Bednarski III, Rate Regulation Division, and my technical and managerial review of the additional information filed by the Nevada SUD on September 28, 2020, we recommend that the application be deemed administratively complete. We further recommend 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:
 - *Caddo Basin SUD (CCN No. 10165)*
 - *City of Josephine (CCN No. 12307)*
 - *City of Nevada*
 - *City of Royse City (CCN No. 12827)*
 - *Copeville SUD (CCN No. 11376)*
 - *Double R MUD 2 of Hunt County*

- *Lavon SUD (CCN No. 10066)*
 - *North Texas MWD*
 - *Sabine River Authority*
- b. The county judge of each county that is wholly or partially included in the requested area:
- *Collin County Judge*
- c. Each groundwater conservation district that is wholly or partially included in the requested area:
- *North Texas Groundwater Conservation District*
- d. Any affected customers, and other affected parties in the requested area.

Addresses can be obtained by the Nevada SUD from the Water Utility Database at <http://www.puc.texas.gov/watersearch>. District information and 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, Nevada SUD 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 the approved map (map deemed sufficient during administrative review) of the requested area with each individual notice to neighboring utilities, affected parties, and customers.
- 5) File in the docket a copy of notice and the approved map 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 and tear sheets 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 Nevada SUD. Nevada SUD will have 20 days from the receipt of the RFI to respond.

Notice for Publication

NOTICE OF APPLICATION TO AMEND A CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE WATER UTILITY SERVICE IN COLLIN COUNTY, TEXAS

Nevada Special Utility District (SUD) has filed an application with the Public Utility Commission of Texas to amend its Certificate of Convenience and Necessity (CCN) No. 12175, to decertify a portion of CCN No. 10165 for Caddo Basin SUD, to decertify a portion of CCN No. 12307 for the City of Josephine, and to decertify a portion of CCN No. 11376 for Copeville SUD for the provision of retail water utility service in Collin County.

The requested area is located approximately .33 miles east of downtown Nevada, Texas, and is generally bounded on the north by County Road 596; on the east by County Road 637 and County Road 640; on the south by County Road 1040; and on the west by County Road 544.

- The portion to be decertified from *Caddo Basin SUD's CCN No. 10165* includes approximately 1,275 acres;
- The portion to be decertified from the *City of Josephine's CCN No. 12307* includes approximately 103 acres;
- The portion to be decertified from *Copeville SUD's CCN No. 11376* includes approximately 41 acres; and

The total requested area to be amended to Nevada SUD's CCN No. 12175 includes approximately 1,378 acres and 14 current customers.

A copy of the map showing the requested area is available at:

108 N. Warren Street, Nevada, Texas 75173

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.

Si desea información en español, puede llamar al 1-888-782-8477.

Notice to Neighboring Systems, Customers, and Cities

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

To: _____
(Neighboring System, Customer or City)

Date Notice Mailed: _____, 20____

(Address)

(City State Zip)

Nevada Special Utility District (SUD) has filed an application with the Public Utility Commission of Texas to amend its Certificate of Convenience and Necessity (CCN) No. 12175, to decertify a portion of CCN No. 10165 for Caddo Basin SUD, to decertify a portion of CCN No. 12307 for City of Josephine, and to decertify a portion of CCN No. 11376 for Copeville SUD for the provision of retail water utility service in Collin County.

The requested area is located approximately .33 miles east of downtown Nevada, Texas, and is generally bounded on the north by County Road 596; on the east by County Road 637 and County Road 640; on the south by County Road 1040; and on the west by County Road 544.

- The portion to be decertified from *Caddo Basin SUD's CCN No. 10165* includes approximately 1,275 acres;
- The portion to be decertified from the *City of Josephine's CCN No. 12307* includes approximately 103 acres;
- The portion to be decertified from *Copeville SUD's CCN No. 11376* includes approximately 41 acres; and

The total requested area to be amended to Nevada SUD's CCN No. 12175 includes approximately 1,378 acres and 14 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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Si desea información en español, puede llamar al 1-888-782-8477.

PUBLIC UTILITY COMMISSION OF TEXAS



AFFIDAVIT OF NOTICE TO CURRENT CUSTOMERS, NEIGHBORING UTILITIES, AND AFFECTED PARTIES DOCKET NO. 50399

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 _____

PUBLIC UTILITY COMMISSION OF TEXAS



PUBLISHER'S AFFIDAVIT DOCKET NO. 50399

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 _____