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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**

**PUBLIC UTILITY COMMISSION
OF TEXAS**

2021 APR 16 10:01

**COMMISSION STAFF'S CLARIFICATION ON NAME CHANGE
RECOMMENDATION**

On December 30, 2019, Nevada Special Utility District (Nevada SUD) filed an application to amend its water Certificate of Convenience and Necessity (CCN) number 12175 through the addition of service area, and to decertify portions of the certificated water service areas of Caddo Basin Special Utility District (Caddo Basin SUD), Copeville Special Utility District (Copeville SUD), and the City of Josephine in Collin County that will be added to Nevada SUD's existing service area. The requested service area consists of approximately 1,378 acres and 14 customer connections. Nevada SUD filed a request for a name change to reflect its conversion from a water supply corporation to a special utility district on March 2, 2021.

On March 29, 2021, the administrative law judge (ALJ) filed Order No. 13 requiring the Staff (Staff) of the Public Utility Commission of Texas (Commission) to file comments addressing: (1) whether Nevada SUD's name change can be approved as part of this docket or if it must be approved in Docket No. 49548¹ and (2) whether notice of this proceeding is sufficient notice of Nevada SUD's conversion by April 16, 2021. Therefore, this pleading is timely filed.

I. APPROVAL IN DOCKET NO. 49548

Under 30 Texas Administrative Code (TAC) §§ 293.11-12 the Texas Commission on Environmental Quality (TCEQ) has the authority to grant applications for conversion to a special utility district. Further, once TCEQ has granted an application for a conversion to a special utility

¹ SUD Conversion Project to Change Name for CCN No. 12175, Docket No. 49548, Application (May 14, 2019).

district, the Commission has authority under Texas Water Code (TWC) § 13.041 to reflect that conversion on maps, tariffs, and certificates issued by the Commission. Staff is not aware of any Commission rule or statute that would require Staff to process a name change for an entity conversion approved by the TCEQ in a standalone docket, such as the application in Docket No. 49548. Therefore, Staff's position is that the name change for Nevada SUD's TCEQ approved entity conversion can be processed in this proceeding. The processing of the name change at the Commission is a simple process to reflect on maps, tariffs, and certificates the entity conversion that has already been approved by the TCEQ and processed under 30 Texas TAC §§ 293.11-12. Nevada SUD is already an approved special utility district in accordance with the TCEQ rules, so reflecting that conversion on Commission issued maps, certificates, and tariffs, is all that remains necessary. Staff argues that it would be in the interest of administrative efficiency to process the name change in this docket. Staff and Nevada SUD would then file a joint motion to dismiss the application in Docket No. 49548. Otherwise, this docket would need to be abated until Docket No. 49548 is resolved. Given how close this docket is to completion, it seems logical to avoid an abatement and proceed with the name change in this docket. Therefore, Staff recommends that it is appropriate to proceed with Nevada SUD's name change based on a TCEQ-approved entity conversion in this docket.

II. SUFFICIENT NOTICE

Under 30 TAC § 293.12 an applicant for an entity conversion from a water supply corporation to a special utility district at the TCEQ must provide extensive notice to affected parties. Under 30 TAC § 293.12(b) "the chief clerk shall send a copy of the notice to the applicant indicating that an application has been received and notifying interested persons of the procedures for requesting a public hearing." Further, under 30 TAC § 293.12(b)(1) "notice must be published once a week for two consecutive weeks in a newspaper regularly published or circulated in the county or counties where the district is proposed to be located with the last publication not later than the 30th day before the date on which the commission may act on the application." Lastly, under 30 TAC § 293.12(b)(2) "not later than the 30th day before the date on which the commission

may act on the application, the notice must be posted on the bulletin board used for posting legal notices in each county in which all or part of the proposed district is to be located.”

Notice was provided in a manner consistent with the applicable rules outlined above in Nevada SUD’s TCEQ entity conversion application that was approved on March 13, 2015.² Staff argues that the notice provided in that TCEQ entity conversion docket is sufficient notice for all effected parties to have objected to the entity conversion for Nevada SUD. Any additional notice of the name change in this docket would only act to alert parties that the PUC is fulfilling the formality of changing the maps, tariffs, and certificates to reflect that Nevada SUD is now a special utility district as ordered by the TCEQ on March 13, 2015. Thus, the Commission need only update Nevada SUD’s maps, tariffs, and certificates to reflect the approved conversion. Therefore, Staff recommends that the notice provided in Nevada SUD’s TCEQ entity conversion application was sufficient to alert interested parties to the entity conversion and name change and no further notice should be required.

III. CONCLUSION

For the reasons stated above, Staff respectfully requests that the ALJ order the processing of Nevada SUD’s name change for its TCEQ approved entity conversion in this proceeding and that no additional notice is required. Staff also recommends that the procedural schedule adopted in Order No. 12 remain in effect.

² Response to Robert Parish at 2 (Mar. 2, 2021).

Dated: April 16, 2021

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
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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 April 16, 2021, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Robert Dakota Parish
Robert Dakota Parish