



Control Number: 50480



Item Number: 7

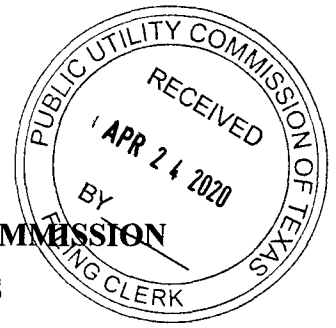
Addendum StartPage: 0

**DOCKET NO. 50480**

**APPLICATION OF CRYSTAL CLEAR  
SPECIAL UTILITY DISTRICT AND  
CITY OF SAN MARCOS FOR SALE,  
TRANSFER, OR MERGER OF  
FACILITIES AND CERTIFICATE  
RIGHTS IN HAYS COUNTY**

§  
§  
§  
§  
§  
§

**PUBLIC UTILITY COMMISSION  
OF TEXAS**



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

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

**I. BACKGROUND**

On January 23, 2020, Crystal Clear Special Utility District (Crystal Clear SUD) and the City of San Marcos (San Marcos) (collectively, "Applicants") filed an application for sale, transfer, or merger of facilities and certificate of convenience and necessity (CCN) rights in Hays County. Crystal Clear SUD seeks to transfer its water service area held under CCN No. 10297 to San Marcos. The requested sale and transfer includes approximately 475 acres and 489 connections. Applicants filed supplemental information on March 20, 2020.

On February 26, 2020, Order No. 2 was issued establishing a deadline of April 24, 2020, for Staff to file a supplemental recommendation on the administrative completeness of the application and to propose a procedural schedule for further processing of the application. Therefore, this pleading is timely filed.

**II. ADMINISTRATIVE COMPLETENESS**

Staff has reviewed the application and supplemental information filed by Applicants and, as detailed in the attached memorandum from Elisabeth English, Infrastructure Division, recommends that it be found administratively complete and accepted for filing. Staff's recommendation does not address the merits of the petition.

### III. 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 Current Customers, Neighboring Systems, 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:
    - Crystal Clear SUD (CCN No. 10297)
  - b. The county judge of each county that is wholly or partially included in the requested area:
    - Hays County Judge
  - c. Each groundwater conservation district that is wholly or partially included in the requested area:
    - Barton Springs-Edwards Aquifer Conservation District
    - Canyon Regional Water Authority
    - Edwards Aquifer Authority
    - Guadalupe-Blanco River Authority
    - Upper San Marcos Watershed Reclamation & Flood Control District
  - d. Any affected customers, and other affected parties in the requested area.

Addresses can be obtained by the Applicant from the Water Utility Database at <http://www.puc.texas.gov/watersearch>. Information related to districts including addresses can be obtained from the Texas Commission on Environmental Quality's (TCEQ) web site located at <http://www14.tceq.texas.gov/iwud/>.

- 2) Provide notice and proof of notice using the attached notice and affidavit forms.
- 3) Provide a copy of the map delineating the requested area with each individual notice to neighboring utilities, other affected parties, and customers.
- 4) File in the docket an affidavit specifying every person and entity to whom notice was provided and the date that the notice was provided. Also file a representative copy of the actual notice and a copy of the map that was included with each individual notice.

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

Staff recommends the application, as supplemented, 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	May 25, 2020
Deadline for Staff to file a recommendation on sufficiency of notice	June 1, 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 Applicants be directed to provide notice as detailed above and in the attached memorandum, and that the proposed procedural schedule be adopted.

Dated: April 24, 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 13480  
Austin, Texas 78711-3480  
(512) 936-7442  
(512) 936-7268 (facsimile)  
Robert.Parish@puc.texas.gov

**DOCKET NO. 50480**

**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 24, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Robert Dakota Parish  
Robert Dakota Parish

## PUC Interoffice Memorandum

---

**To:** Robert Dakota Parish, Attorney  
Legal Division

**From:** Elisabeth English, Engineering Specialist  
Infrastructure Division

**Date:** April 24, 2020

**Subject:** **Docket No. 50480:** *Application of Crystal Clear Special Utility District and City of San Marcos for Sale, Transfer, or Merger of Facilities and Certificate Rights in Hays County*

On January 23, 2020, Crystal Clear Special Utility District (Crystal Clear SUD) and City of San Marcos (San Marcos) (collectively "Applicants") filed an application for Sale, Transfer, or Merger (STM) of certificate rights and facilities in Hays County, Texas. The STM application is being reviewed consistent with 16 Texas Administrative Code (TAC) §§ 24.227 and 24.239 and Texas Water Code (TWC) §§ 13.241, 13.246, and 13.301. San Marcos seeks approval for the purchase of Crystal Clear SUD's facilities, an amendment to their water Certificate of Convenience and Necessity (CCN) No 10298, and for the decertification of the transferred portion of Crystal Clear SUD's water CCN No. 10297.

On March 20, 2020 the Applicants supplemented their application with sufficient information to address Staff's previously noted deficiencies. Staff recommends that the application be deemed administratively complete. Staff further recommends the Applicants 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:
    - Crystal Clear SUD (CCN No. 10297)
  - b. The county judge of each county that is wholly or partially included in the requested area:
    - Hays County Judge
  - c. Each groundwater conservation district that is wholly or partially included in the requested area:
    - Barton Springs-Edwards Aquifer Conservation District
    - Canyon Regional Water Authority
    - Edwards Aquifer Authority
    - Guadalupe-Blanco River Authority
    - Upper San Marcos Watershed Reclamation & Flood Control District
  - d. Any affected customers, and other affected parties in the requested area.

Addresses can be obtained by the Applicant from the Water Utility Database at <http://www.puc.texas.gov/watersearch>. Information related to districts including addresses

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

- 2) Provide notice and proof of notice using the attached notice and affidavit forms.
- 3) Provide a copy of the map delineating the requested area with each individual notice to neighboring utilities, other affected parties, and customers.
- 4) File in the docket an affidavit specifying every person and entity to whom notice was provided and the date that the notice was provided. Also file a representative copy of the actual notice and a copy of the map that was included with each individual notice.

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 the Applicant. The Applicant will have 20 days from the receipt of the RFI.

***Notice to Current Customers, Neighboring Systems, and Cities***  
CITY OF SAN MARCOS CERTIFICATE OF CONVENIENCE AND NECESSITY (CCN)  
NO. 10298, NOTICE OF INTENT TO PURCHASE WATER FACILITIES AND TO  
TRANSFER WATER SERVICE AREA UNDER CCN NO. 10297 FROM CRYSTAL CLEAR  
SPECIAL UTILITY DISTRICT IN HAYS COUNTY, TEXAS

To: \_\_\_\_\_ Date Notice Mailed: \_\_\_\_\_, 20\_\_\_\_  
(Name of Customer, Neighboring System, or City)  
\_\_\_\_\_  
(Address)  
\_\_\_\_\_  
(City State Zip)

<u>City of San Marcos</u>	<u>630 East Hopkins</u>	<u>San Marcos, TX</u>	<u>78666</u>
(Purchaser's Name)	(Address)	(City), (State)	(Zip Code)

has submitted an application with the Public Utility Commission of Texas (Commission) to purchase Crystal Clear Special Utility District water facilities and to transfer water certificated service area under CCN No. 10297 in Hays County, TX from:

<u>Crystal Clear Special Utility District</u>	<u>2370 FM 1979</u>	<u>San Marcos, TX</u>	<u>78666</u>
(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:

Willow Creek Subdivision

The **requested area to be transferred** is located approximately 2 miles southwest of downtown San Marcos, TX, and is generally bounded on the north by Los Santos Drive and Purgatory Creek Natural Area; on the east by Hunter Road; on the south by intersection of West McCarty Lane and Hunter Road; and on the west by West McCarty Lane. The **requested area to be transferred** includes approximately 475 total acres and 489 current customers. **See enclosed map showing the requested area or <https://www.sanmarcostx.gov/205/Water-Wastewater>.**

This transaction will have the following effect on the current customers' rates and services:  
This transaction will result in the City of San Marcos charging customers of the Willow Creek Subdivision their water rates. The majority of customers will see lower monthly water bills.

*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 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. 50480

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 forth 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 \_\_\_\_\_