



Control Number: 50553



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DOCKET NO. 50553

**APPLICATION OF COUNTY LINE
SPECIAL UTILITY DISTRICT TO
AMEND ITS CERTIFICATE OF
CONVENIENCE AND NECESSITY
AND TO DECERTIFY A PORTION OF
POLONIA WATER SUPPLY
CORPORATION'S CERTIFICATE OF
CONVENIENCE AND NECESSITY IN
HAYS AND CALDWELL COUNTIES**

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PUBLIC UTILITY COMMISSION

OF TEXAS

**COMMISSION STAFF'S SECOND SUPPLEMENTAL RECOMMENDATION ON
ADMINISTRATIVE COMPLETENESS OF APPLICATION 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. 3, files this Second Supplemental Recommendation on Administrative Completeness of Application and Proposed Procedural Schedule. Staff recommends that the application, as supplemented, be deemed sufficient for further review. In support thereof, Staff shows the following:

I. BACKGROUND

On February 14, 2020, County Line Special Utility District (County Line SUD) filed an application to amend its water certificate of convenience and necessity (CCN) No. 10292 and to decertify a portion of Polonia Water Supply Corporation's water CCN number 10420 in Hays and Caldwell counties under Texas Water Code (TWC) §§ 13.242 to 13.250 and 16 Texas Administrative Code (TAC) §§ 24.225 to 24.237. The requested service area consists of 425 acres and no existing customer connections. County Line SUD filed supplemental information on April 17, 2020 and June 16, 2020.

On May 18, 2020, the administrative law judge (ALJ) issued Order No. 3 establishing a deadline of July 15, 2020 for Staff to file a supplemental recommendation on the administrative completeness of the application along with a proposed procedural schedule for further processing of this docket. Therefore, this pleading is timely filed.

II. ADMINISTRATIVE COMPLETENESS

As detailed in the attached memorandum from Jolie Mathis in the Commission's Infrastructure Division, Staff has reviewed the application and supplemental information filed by the County Line SUD 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.

III. NOTICE

As detailed in the attached memorandum, Staff recommends that County Line SUD proceed with providing public notice. Specifically, Staff recommends that County Line SUD 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 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:
 - Canyon Regional Water Authority
 - City of Kyle (CCN No. 11024)
 - City of Lockhart (CCN No. 10295)
 - City of Niederwald
 - City of San Marcos (CCN No. 10298)
 - City of Uhland
 - Goforth SUD (CCN No. 11356)
 - Guadalupe-Blanco River Authority
 - LaSalle MUD 4
 - LaSalle MUD 5
 - Maxwell WSC (CCN No. 10293)
 - Monarch Utilities I LP (CCN No. 12983)
 - Polonia WSC (CCN No. 10420)
 - Ranch at Clear Fork Creek MUD 1
 - Ranch at Clear Fork Creek MUD 2
 - b. The county judge of each county that is wholly or partially included in the requested area:
 - Hays County Judge
 - Caldwell County Judge
 - c. Each groundwater conservation district that is wholly or partially included in the requested area:

- Edwards Aquifer Authority
 - Plum Creek Conservation District
- d. Each owner of a tract of land that is at least 25 acres and is wholly or partly located in the requested area. Notice must be mailed to the owner of the tract of land according to the most current tax appraisal rolls of the applicable central appraisal district at the time the application was filed.
- e. Any affected customers, and other affected parties in the requested area.
- 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, County Line 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 map delineating the requested area with each individual notice to neighboring utilities, other affected parties, and customers.
- 5) File in the docket a map and copy of notice 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 for proof of newspaper publication.

IV. PROPOSED PROCEDURAL SCHEDULE

Staff proposes the following procedural schedule:

Event	Date
Deadline for County Line SUD 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	August 31, 2020
Deadline for Staff to file a recommendation on sufficiency of notice	September 14, 2020
Deadline to intervene	Thirty (30) days after notice is issued

V. CONCLUSION

Staff respectfully requests that the application be found administratively complete and accepted for filing and that the procedural schedule proposed above be adopted.

Dated: July 15, 2020

Respectfully submitted,

**PUBLIC UTILITY COMMISSION OF TEXAS
LEGAL DIVISION**

Rachelle Nicolette Robles
Division Director

Eleanor D'Ambrosio
Managing Attorney

s/ Kourtnee Jinks
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DOCKET NO. 50553

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 July 15, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

s/ Kourtnee Jinks
Kourtnee Jinks

PUC Interoffice Memorandum

To: Kourtnee Jinks, Attorney
Legal Division

From: Jolie Mathis, Engineering Specialist
Infrastructure Division

Date: July 15, 2020

Subject: **Docket No. 50553**, *Application of County Line Special Utility District to Amend its Certificate of Convenience and Necessity (CCN) and to Decertify a Portion of Polonia Water Supply Corporation's Certificate of Convenience and Necessity in Hays and Caldwell Counties*

On February 14, 2020, County Line Special Utility District (County Line SUD) filed an application to amend its water Certificate of Convenience and Necessity (CCN) No. 10292 and decertify a portion of Polonia Water Supply Corporation's (Polonia WSC) water CCN No. 10420 in Hays and Caldwell Counties, Texas, pursuant to Texas Water Code (TWC) §§ 13.242 to 13.250 and 16 Texas Administrative Code (TAC) §§ 24.225 to 24.237.

Staff has reviewed the additional information filed by County Line SUD on June 16, 2020 and recommends that the application be deemed administratively complete. Staff further recommends County Line SUD 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:
 - Canyon Regional Water Authority
 - City of Kyle (CCN No. 11024)
 - City of Lockhart (CCN No. 10295)
 - City of Niederwald
 - City of San Marcos (CCN No. 10298)
 - City of Uhland
 - Goforth SUD (CCN No. 11356)
 - Guadalupe-Blanco River Authority
 - LaSalle MUD 4
 - LaSalle MUD 5
 - Maxwell WSC (CCN No. 10293)
 - Monarch Utilities I LP (CCN No. 12983)
 - Polonia WSC (CCN No. 10420)
 - Ranch at Clear Fork Creek MUD 1
 - Ranch at Clear Fork Creek MUD 2

- b. The county judge of each county that is wholly or partially included in the requested area:
 - Caldwell County Judge
 - Hays County Judge
- c. Each groundwater conservation district that is wholly or partially included in the requested area:
 - Edwards Aquifer Authority
 - Plum Creek Conservation District
- d. Each landowner of a tract of land that is at least 25 acres and is wholly or partly located in the requested area. Notice must be mailed to the owner of the tract of land according to the most current tax appraisal rolls of the applicable central appraisal district at the time the application was filed.
- e. Any affected customers, and other affected parties in the requested area.

Addresses can be obtained 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://www.tceq.texas.gov/iwud/>.

- 2) Publish notice in a newspaper having general circulation in each 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, Applicant 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 map delineating the requested area with each individual notice to neighboring utilities, other affected parties, landowners and customers.
- 5) File in the docket a map and copy of notice 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 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 the Applicant. The Applicant will have 20 days from the receipt of the RFI.

Notice for Publication

NOTICE OF APPLICATION TO AMEND A CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE WATER UTILITY SERVICE IN CALDWELL AND HAYS COUNTIES, TEXAS

County Line Special Utility District has filed an application with the Public Utility Commission of Texas to amend its Certificate of Convenience and Necessity (CCN) No. 10292, Decertify Portion of CCN No. 10292 and Decertify Portion of Polonia WSC's CCN No. 10420 for the provision of retail Water utility service in Caldwell and Hays Counties.

The requested area overlaps the district boundaries of the Canyon Regional Water Authority, Guadalupe-Blanco River Authority, and Ranch at Clear Fork Creek MUD 2. If those districts do not request a public hearing, the Commission shall determine that the districts are consenting to the County Line SUD's request to provide retail Water utility service in the requested area.

Area #1: Portion to Amend Uncertificated Area to County Line SUD (10292)

The requested area is located approximately 1 mile north of downtown Uhland, TX, and is generally bounded on the north by Rohde Road; on the east by State Highway 21; on the south by High Road; and on the west by the intersection of CR 128 and High Road. The requested area includes approximately 202 total acres and 0 current customers.

Area #2: Portions to Decertify from County Line SUD (10292)

The requested area is located approximately 1.8 miles southeast of downtown Uhland, TX, and is generally bounded on the north by Cottonwood Trail (CR 228A) and Plum Creek; on the east by FM 2001; on the south by Jolly Road (CR 230); and on the west by the intersection of FM 2720 and CR 228. The requested area includes approximately 17.4 total acres and 0 current customers.

Area #3:

The requested area is located approximately 3.5 miles southwest of downtown Uhland, TX, and is generally bounded on the north by the intersection of Drue Drive and Ranch to Market Road 150; on the east by State Highway 21; on the south by intersection of FM 1966 and State Highway 21; and on the west by CR 158.

The requested area includes 0 current customers and includes the following approximate acres:

- Dually Certificated Area to Decertify Portion from Polonia WSC (10420) = 18 acres;
- Portion to Decertify from Polonia WSC (10420) and Amend to County Line SUD (10292) = 222 acres; and
- Amend Uncertificated Area to County Line SUD (10292) = .55 acres

The total requested area to be amended to County Line SUD (10292) includes approximately 425 total acres and 0 current customers.

A copy of the map showing the requested area is available at: 8870 Camino Real, Uhland, TX 78640

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.

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, a metes and bounds description of the landowner's tract of land, landowner's name, address, email address and fax number, if applicable.

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

To: _____
(Neighboring System, Landowner, Customer or City)

Date Notice Mailed: _____, 20____

(Address)

(City State Zip)

County Line Special Utility District has filed an application with the Public Utility Commission of Texas to amend its Certificate of Convenience and Necessity (CCN) No. 10292, Decertify Portion of CCN No. 10292 and Decertify Portion of Polonia WSC's CCN No. 10420 for the provision of retail Water utility service in Caldwell and Hays Counties.

The requested area overlaps the district boundaries of the Canyon Regional Water Authority, Guadalupe-Blanco River Authority, and Ranch at Clear Fork Creek MUD 2. If those districts do not request a public hearing, the Commission shall determine that the districts are consenting to the County Line SUD's request to provide retail Water utility service in the requested area.

Area #1: Portion to Amend Uncertificated Area to County Line SUD (10292)

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The total requested area to be amended to County Line SUD (10292) includes approximately 425 total acres and 0 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

Updated: April 13, 2020

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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Public Utility Commission of Texas
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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.

PUBLIC UTILITY COMMISSION OF TEXAS



AFFIDAVIT OF NOTICE TO CURRENT CUSTOMERS, LANDOWNERS, NEIGHBORING UTILITIES AND AFFECTED PARTIES

DOCKET NO. 50553

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. 50553

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 _____