



Control Number: 50789



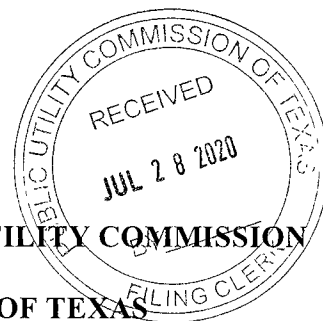
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DOCKET NO. 50789

APPLICATION OF THE CITY OF §
RICHLAND FOR A WATER §
CERTIFICATE OF CONVENIENCE §
AND NECESSITY AND FOR DUAL §
CERTIFICATION WITH CORBET §
WATER SUPPLY CORPORATION IN §
NAVARRO COUNTY §

PUBLIC UTILITY COMMISSION
OF TEXAS



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

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

I. BACKGROUND

On April 27, 2020, the City of Richland (Richland) filed an application to obtain a water certificate of convenience and necessity (CCN) and for dual certification with Corbet Water Supply Corporation (Corbet WSC), CCN No. 12278, in Navarro County, Texas. Richland filed supplemental information on May 5, 15, and 28, 2020; June 24, 25, and 26, 2020; and July 2 and 22, 2020.

On May 27, 2020, the administrative law judge (ALJ) issued Order No. 2, establishing a deadline of July 27, 2020 for Staff to file a supplemental recommendation on the administrative completeness of the application and notice and propose a procedural schedule for further processing of the application.

II. ADMINISTRATIVE COMPLETENESS

Staff has reviewed the application and supplemental information filed by Richland and, as detailed in the attached memoranda of Patricia Garcia of the Commission's Infrastructure Division and Fred Bednarski of the Commission's Rate Regulation Division, recommends that it be deemed administratively complete.

III. NOTICE

At this time, Staff recommends that Richland proceed with providing public notice to all neighboring utilities, affected customers, landowners of a tract of 25 acres or more, political subdivisions, and other entities listed in the attached memorandum using the notices provided by Ms. Garcia. Along with each individual notice, Staff recommends that Richland provide an accurate map delineating the requested service area. Staff also recommends that Richland publish notice once each week for two consecutive weeks in a newspaper of general circulation in Navarro County.

Within 30 days of the provision of notice, Staff recommends that Richland file proof of notice as described in the attached memorandum and proof of newspaper publication. Finally, it is recommended that Richland use the attached affidavits to meet these requirements.

IV. PROPOSED PROCEDURAL SCHEDULE

Staff proposes the following procedural schedule for the continued processing of this application:

Event	Date
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	September 10, 2020
Deadline for Staff to file a recommendation on sufficiency of notice	September 21, 2020
Deadline to intervene	30 days after the date notice is issued

V. REQUEST TO RESTYLE DOCKET

Staff respectfully requests that the docket be restyled to “Application of the City of Richland for a Water Certificate of Convenience and Necessity and for Dual Certification with Corbet Water Supply Corporation and Pleasant Grove Water Supply Corporation in Navarro County.” This change will more accurately reflect that Richland is requesting dual certification with portions of two different existing water CCNs.

VI. CONCLUSION

For the reasons discussed above, Staff respectfully recommends that the application be found administratively complete at this time, that Richland be directed to provide notice as detailed above and in the attached memorandum, and that the proposed procedural schedule be adopted.

Dated: July 28, 2020

Respectfully submitted,

PUBLIC UTILITY COMMISSION OF TEXAS LEGAL DIVISION

Rachelle Nicolette Robles
Division Director

Eleanor D'Ambrosio
Managing Attorney

/s/ Merritt Lander
Merritt Lander
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1701 N. Congress Avenue
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DOCKET NO. 50789

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 28, 2020, in accordance with the Order Suspending Rules, issued in Project No. 50664.

/s/ Merritt Lander
Merritt Lander

Notice for Publication

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

The City of Richland has filed an application with the Public Utility Commission of Texas to obtain a Certificate of Convenience and Necessity (CCN) the provision of retail water utility service in Navarro County.

The requested area is located approximately 10 mile(s) south of downtown Corsicana, Texas, and is generally bounded on the north by Richland Creek; on the east by Richland Chambers Reservoir and FM 246; on the south by CR 2380; and on the west by SH 14. The total requested area includes approximately 8,608 acres and 282 current customers.

A copy of the map showing the requested area is available at: 103 W Main Street, Richland, TX 76681

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 OBTAIN A CERTIFICATE OF CONVENIENCE AND NECESSITY TO
PROVIDE WATER UTILITY SERVICE IN NAVARRO COUNTY, TEXAS**

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

Date Notice Mailed: _____, 20 ____

(Address)

(City State Zip)

The City of Richland has filed an application with the Public Utility Commission of Texas to obtain a Certificate of Convenience and Necessity (CCN) the provision of retail water utility service in Navarro County.

The requested area is located approximately 10 mile(s) south of downtown Corsicana, Texas, and is generally bounded on the north by Richland Creek; on the east by Richland Chambers Reservoir and FM 246; on the south by CR 2380; and on the west by SH 14. The total requested area includes approximately 8,608 acres and 282 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, LANDOWNERS, NEIGHBORING
UTILITIES AND AFFECTED PARTIES
DOCKET NO. 50789

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. 50789

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 _____

PUC Interoffice Memorandum

To: Merritt Lander, Attorney
Legal Division

From: Patricia Garcia, Senior Engineering Specialist
Infrastructure Division

Date: July 27, 2020

Subject: **Docket No. 50789**, *Application of the City of Richland for a Water Certificate of Convenience and Necessity and for Dual Certification with Corbet Water Supply Corporation in Navarro County*

On April 27, 2020, the City of Richland (Applicant) filed with the Public Utility Commission of Texas (Commission) an application to obtain a water Certificate of Convenience and Necessity (CCN) and for dual certification with Corbet Water Supply Corporation, CCN No. 12278, in Navarro County, Texas pursuant to Texas Water Code (TWC) §§ 13.242 to 13.250 and 16 Texas Administrative Code (TAC) §§ 24.225 to 24.237.

The total area being requested is approximately 8,608 acres with 276 current customers. The total area being requested for single certification is approximately 8,027 acres. The total area being requested for dual certification is approximately 581 acres. For the dual certification area, approximately 206 acres is certificated to Corbet Water Supply Corporation and approximately 375 acres is certificated to Pleasant Grove Water Supply Corporation, CCN No. 10756.

Staff from the Rate Regulation Division and Infrastructure Division have reviewed the additional information filed by the Applicant on June 24, 2020, June 25, 2020, June 26, 2020, July 2, 2020 and July 22, 2020, and recommend that the application be deemed administratively complete. Staff further recommends 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:
 - *Angus WSC (CCN No. 11171)*
 - *City of Angus*
 - *Corbet WSC (CCN No. 12278)*
 - *M E N WSC (CCN No. 10748)*
 - *Pleasant Grove WSC (CCN No. 10756)*
 - *Trinity River Authority of Texas*
 - *Winkler WSC (CCN No. 10754)*
 - b. The county judge of each county that is wholly or partially included in the requested area:
 - *Navarro County Judge*
 - c. 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.

- 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) 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, 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.
- 6) Supplement the application with a copy of the approval letter for the plans and specifications for the distribution system from the TCEQ once it is received. Applicant must file the approval letter prior to Staff making a final recommendation on the application.

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.

Public Utility Commission of Texas

Memorandum

To: Merritt Lander, Attorney
Legal Division

From: Fred Bednarski III, Financial Analyst
Rate Regulation Division

Date: July 27, 2020

Subject: **Docket No. 50789**, *Application of the City of Richland for a Water Certificate of Convenience and Necessity and for Dual Certification with Corbet Water Supply Corporation in Navarro County*

On April 27, 2020, The City of Richland (Applicant) filed an application to obtain a water Certificate of Convenience and Necessity (CCN) and for dual certification with Corbet Water Supply Corporation, CCN No. 12278, in Navarro County, Texas under the provisions of Texas Water Code §§ 13.242 to 13.250 and 16 Texas Administrative Code §§ 24.225 to 24.237.

The Applicant supplemented the application on May 5, May 15, and May 28; June 24, June 25, and June 26; and July 2 and 22 of 2020. I reviewed the 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 application, as supplemented, be deemed administratively complete from a financial perspective.